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Air Pollution Regulations in State Implementation Plans: Idaho

Abcor Inc, Wilmington, MA Walden Div

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Air Pollution Regulations in State Implementation Plans: Idaho

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Air Pollution Regulations in State Implementation Plans:

Idaho _

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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Publication No. EPA-450/3-78-062

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET
OF
EPA-APPROVED REGULATION CHANGES

IDAHO

<u>Submittal Date</u>	<u>Approval Date</u>	<u>Description</u>
6/9/72	7/27/72	Reg. A, B, C, F
2/15/73	5/14/73	Entire Regs.
7/1/74	1/30/75	Reg. A, T
1/10/75	8/7/75	Reg. C, S Note: S not acted on yet
1/10/75	11/19/75	Reg. S
1/24/75	8/7/75	Reg. A
7/28/75	11/4/75	Reg. T

FEDERAL REGULATIONS

<u>Section Number</u>	<u>Description</u>
52.675	Control Strategy: Sulfur oxides--Eastern Idaho Intrastate Air Quality Region
52.676	Control Strategy: Sulfur oxides--Eastern Washington/Northern Idaho Interstate Region
52.677	Compliance Schedules
52.683	Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
- 3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS
- 4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)
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 - 51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)
 - 51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)
 - 51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)
 - 51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)
 - 51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO₂ (includes Fuel Content and Other Related Topics)
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A. GENERAL PROVISIONS

SECTION 1

(2.0) INTRODUCTION

On April 30, 1971, the U. S. Environmental Protection Agency (EPA) adopted certain national primary and secondary ambient air quality standards (Federal Register Vol. 36, No. 87) under authority of Section 109 of the Clean Air Act, as amended (Public Law 91-604; 84 Stat. 1676). Under Section 110 of this Federal law, each state is required to adopt and submit to the Administrator of EPA a plan which provides for the implementation, maintenance, and enforcement of national ambient air quality standards within each air quality control region (or portion thereof) within the state.

It is the intent of these rules and regulations to comply with the federal law and to eliminate, or abate, air pollution in conformance with the 1972 Idaho Session Laws, Chapter 347, Section 5 (1). These regulations are adopted in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code.

These rules and regulations may be modified from time to time, as additional information on air contaminants, sources of air pollution and ambient air quality levels are developed and evaluated.

SECTION 2

(1.0) DEFINITIONS

- A. Act means the Idaho Air Pollution Control Act as amended.
(Idaho Code Title 39, Chapter 29)
- B. Air Contaminant means dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon or particulate matter or any combination thereof.
- C. Air Pollution means the presence in the outdoor atmosphere of any contaminant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health and welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.
- D. Air Quality means the specific measurement in the ambient air of a particular air contaminant at any given time.
- E. Air Quality Criterion means the information used as guidelines for decisions when establishing air quality goals and air quality standards.
- F. Ambient Air means the surrounding or outside air.

- G. Area Source means any small residential, governmental, institutional, commercial, or industrial fuel combustion operations; onsite waste disposal facility; motor vehicles, aircraft, vessels, or other transportation facilities; or other miscellaneous sources.
- H. ASTM means the American Society for Testing and Materials.
- I. BTU means British Thermal Unit.
- J. Certificate of Registration means a certificate presented to a new or modified source certifying that the source has registered as provided by State law.
- K. Collection Efficiency means the overall performance of the air cleaning device in terms of ratio of materials collected to total input to the collector unless specific size fractions of the contaminant are stated or required.
- L. Commission means the Idaho Air Pollution Control Commission created by the Air Pollution Control Act (Idaho Code Title 39, Chapter 29) or the Commission Staff or the Air Pollution Control System.
- M. Control Equipment means any method, process or equipment which removes, reduces or renders less noxious, air contaminants discharged into the atmosphere.
- N. Controlled Emission means an emission which has been treated by control equipment to remove all or part of an air contaminant before release to the atmosphere.
- O. Settleable Particulate is particulate matter which is emitted into the atmosphere such that it may deposit onto horizontal surfaces due to gravitational settling.
- P. Emission means the act of releasing or discharging air pollutants into the ambient air from any source.
- Q. Emission Standard means a limitation on the release of an air contaminant to the ambient air.
- R. Equivalent Air-Dried Kraft Pulp means pulp production which produces a loading of black liquor solids to the recovery furnace equivalent to that loading produced with kraft pulp.
- S. Existing Source means any air contamination source that exists, is installed, or is under construction on the adopted date of these regulations.
- T. Fuel-Burning Equipment means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

- U. Fugitive Dust means solid, airborne particulate matter emitted from any source other than through a stack.
- V. Hot-Mix Asphalt Plant means those firms conveying proportioned quantities or batch loading of cold aggregate to a drier, and heating, drying, screening classifying, measuring and mixing the aggregate and asphalt for the purposes of paving, construction, industrial, residential or commercial use.
- W. Incinerator means any source consisting of a furnace and all appurtenances thereto designed for the destruction of refuse by burning. "Open Burning" is not considered incineration. For purposes of these rules, the destruction of any combustible liquid or gaseous material by burning in a flare stack shall be considered incineration.
- X. Industrial Process means any step in a manufacturing operation which results in the emission of particulate matter to the atmosphere.
- Y. Kraft Pulping means any pulping process which uses, for cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide.
- Z. Monitoring means sampling and analysis, in a continuous or non-continuous sequence, using techniques which will adequately measure emission levels and/or ambient air concentrations of air contaminants.
- AA. Multiple Chamber Incinerator means any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned.
- BB. New Source means any stationary source, the construction or modification of which is commenced after the effective date of this regulation.
- CC. Non-Condensibles means gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified.
- DD. Odor means the sensation resulting from stimulation of the human sense of smell.
- EE. Opacity means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

- FF. Open Burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct, or chimney.
- GG. Particulate Matter means any material, except water in uncombined form, that exists as a liquid or a solid at standard conditions.
- HH. Person means any person, corporation, firm, partnership or any state or local governmental entity.
- II. Portable Hot-Mix Asphalt Plant means those asphalt plants or equipment which are designed to be dismantled and transported from one job site to another job site.
- JJ. ppm (parts per million) means parts of a gaseous contaminant per million parts of gas by volume.
- KK. Primary Ambient Air Quality Standard means that air quality which, allowing an adequate margin of safety, is requisite to protect the public health.
- LL. Process or process equipment means any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stack, etc., the use of which may cause any discharge of an air contaminant into the outdoor open air but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment.
- MM. Process Weight means the total weight of all materials introduced into any source operation which may cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air.
- NN. Process Weight Rate means the rate established as follows: For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

00. Salvage Operations means any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards.
- PP. Secondary Ambient Air Quality Standard means that air quality which is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of air pollutants in the ambient air.
- QQ. Show-Cause Order means an order issued by the Department to a source which is requesting permission for construction and which the Department, after reviewing their construction plans, has reason to believe may violate a regulation of the Department or contribute to air pollution. The order requires that the source give reason as to why construction or modification of the source should not be halted.
- RR. Smoke means small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible material.
- SS. Source means any source at, from, or by reason of which there is emitted into the atmosphere any air contaminant, or the facility, equipment or other property by which the emission is caused or from which the emission comes.
- TT. Source Operation means the last operation preceding the emission of air contaminants, when this operation:
- (1) Results in the separation of the air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of fuel combustion, and,
 - (2) Is not an air cleaning device.
- UU. Stack means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.
- VV. Standard Conditions means a dry gas temperature of 70°F. and a gas pressure of 14.7 pounds per square inch absolute.
- WW. TRS (total reduced sulfur) means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and any other organic sulfide present.
- XX. Ringelmann Smoke Chart means the chart published and described in the U. S. Bureau of Mines Information Circular 8333.

- YY. Uncontrolled Emission means an emission which has not been treated by control equipment or in some cases, the emission before treatment by control equipment.
- ZZ. Wigwam Burner means wood waste burning devices commonly called teepee burners, silos, truncated cones, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes.
- AAA. Background Level means the value assigned to the quantity of particulate or gaseous material in ambient air which originates from natural sources uninfluenced by the activity of man.
- BBB. Stationary Source means any building structure, facility, or installation which emits or may emit any air pollutant.
- CCC. Modification means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant (to which a standard applies) emitted by such source or which results in the emission of any air pollutant (to which a standard applies) not previously emitted except that: (1) routine maintenance, repair and replacement shall not be considered physical changes, and (2) the following shall not be considered a change in the method of operation.
- a. An increase in the production rate if such increase does not exceed the operating design capacity of the affected facility;
 - b. An increase in hours of operation.
 - c. Use of an alternative fuel or raw material if prior to the date any standard under this part becomes applicable to such facility, the affected facility is designed to accommodate such alternative use.
- DDD. Pilot Plant means any scaled-down working model of an existing or proposed facility. Such pilot plant shall not have a design capacity in excess of 1/10 that of the full scale facility of which it is a model.
- EEE. Department means the Department of Health and Welfare.
- FFF. Indirect Source means any building, structure, facility or installation the operation or use of which at the location proposed, may indirectly result in an increase in ambient air concentrations of any motor vehicle related pollutant for which there is a State or Federal ambient air quality standard. Such sources may include but are not limited to:

- (a) Highways and roads
- (b) Parking lots and garages
- (c) Retail facilities
- (d) Recreational centers and amusement parks
- (e) Sports stadiums
- (f) Airports
- (g) Commercial or industrial developments.

GGG. Construction means fabrication, erection or installation of a source.

HHH. Commence Construction or Modification means to engage in a continuous program of construction or modification, or to engage in a program of planned incremental development, including site clearing, grading, dredging, or landfilling, specifically designed for the source in preparation for the fabrication, erection, or installation of the building components of the source. For the purpose of this Regulation, delays or interruptions resulting from Acts of God, strikes, litigation, or other matters beyond the control of the owner, shall be disregarded in determining whether a construction or modification program has commenced and/or is continuous.

III. Urbanized Area means any area within the city limits of, or within five (5) miles of the city limits of any city with a population of more than 10,000 persons.

JJJ. Ambient Air Quality Violation means any single ambient concentration of any air contaminant that exceeds any national, state, or local ambient air quality standard at any point in an area outside the source property line.

KKK. Emission Standard Violation means any emission rate that exceeds the standards set forth in these Regulations, in permits issued by the Department or any other legally enforceable document developed by the Department.

LLL. Malfunction means any sudden and unavoidable failure of air pollution control equipment, process equipment or process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or equipment breakdown shall not be considered malfunctions.

MMM. Permittee - any person or other legal entity which is legally responsible for a source of air contamination of the atmosphere.

- NNN. Air Pollution Source Permit - a final order issued by the Department which contains specific emission limits and standards for a source in accordance with environmental laws, rules, regulations, and standards of the State of Idaho.
000. Board - Idaho Board of Health and Welfare.
- PPP. Director - the Director of the Department of Health and Welfare.
- QQQ. Notice - defined by Idaho Code.
- RRR. Department - Idaho Department of Health and Welfare.

SECTION 3

(3.0)

REGISTRATION AND PERMIT PROCEDURES FOR STATIONARY SOURCES

A. Registration of Existing Sources

All existing sources shall register within 90 days after the effective date or upon relocation on forms provided by the Department.

B. Permits For New and Modified Sources

No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining a Permit to Construct from the Department.

1. Application for Permit to Construct or Modify shall be made on forms furnished by the Department, or by other means prescribed by the Department.
2. A separate application is required for each source.
3. Each application shall be signed by the applicant.
4. Each application shall be accompanied by site information, plans, description specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner of which it will be operated and controlled.
5. Any additional information, plans, specifications, evidence or documentation that the Department may require shall be furnished upon request.

C. General Procedures

1. No permit to Construct or Modify shall be granted unless the applicant shows to the satisfaction of the Department that:
 - a. The source will operate without causing a violation of any local, State or Federal Air Pollution Control Regulation.
 - b. The source will not prevent or interfere with attainment or maintenance of any national standard.
2. The Department will act within 60 days on an application and will notify the applicant in writing on approval, conditional approval or denial of the application. The Department will set forth reasons for any denial.
3. The Department may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

- a. Sampling ports of a size, number, and location as the Department may require.
 - b. Safe access to each port.
 - c. Instrumentation to monitor and record emission data.
 - d. Any other sampling and testing facilities as may be deemed necessary.
4. The Department may cancel an approval if the construction is not begun within two years from the date of issuance, or if during the construction, work is suspended for one year.
 5. Any owner or operator subject to the provisions of this regulation shall furnish the Department written notification as follows:
 - a. A notification of the anticipated date of initial start-up of the source not more than 60 days or less than 30 days prior to such date.
 - b. A notification of the actual date of initial start-up of the source within 15 days after such date.
 6. Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial start-up of such source, the owner or operator of such source may be required to conduct a performance test in accordance with methods and under operating conditions approved by the Department and furnish the Department a written report of the results of such performance test.
 - a. Such test shall be at the expense of the owner or operator.
 - b. The Department may monitor such test and may also conduct performance tests.
 - c. The owner or operator of a source shall provide the Department 15 days prior notice of the performance test to afford the Department the opportunity to have an observer present.

D. Exemptions

No registration or permit to construct is required for the following classes of equipment:

1. Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from equipment.

2. Air contaminant detectors or recorders, combustion controllers, or combustion shutoffs.
 3. Fuel burning equipment for indirect heating and for heating and reheating furnaces using gas exclusively with a capacity of less than 50 million BTU per hour input.
 4. Other fuel burning equipment for indirect heating with a capacity of less than one million BTU per hour input.
 5. Mobile internal combustion engines, marine installations and locomotives.
 6. Laboratory equipment used exclusively for chemical or physical analysis.
 7. Pilot plants with written approval from the Administrator, renewable annually, the products from which are not offered for sale except in developmental quantities.
 8. Any other class or size of equipment specifically exempted by the Department.
- E. Issuance of a Permit to Construct or Modify or Certificate of Registration shall not relieve any owner or operator of the responsibility to comply with all applicable local, State, and Federal regulations.

SECTION 4

(3.0) Permit Procedures for Indirect Sources

A. Applicability

The requirements of this Section are applicable to the following:

1. In an urbanized area:
 - a. Any new parking facility or other new indirect source with an associated parking area which has a parking capacity of 1,000 cars or more; or
 - b. Any modified parking facility, or any modification of an associated parking area, which increases parking by 500 cars or more; or
 - c. Any new highway section with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or
 - d. Any modified highway section which will increase average annual daily traffic volume by 10,000 vehicles per day

within ten years after modification.

2. Outside an urbanized area:

- a. Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or
- b. Any modified parking facility, or other modified indirect sources with associated parking area, which increases parking capacity by 1,000 cars or more.

3. Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

- a. New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 passengers per year.
- b. Modified airport: Increase of 50,000 operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 passengers per year.

4. Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, all such increments occurring since the effective date of this regulation shall be added together for determining the applicability of this Section.

B. Permits for New and Modified Indirect Sources

No owner or operator shall commence construction or modification of any indirect source after the effective date of this regulation without first obtaining a Permit to Construct from the Department.

1. Application for a Permit to Construct or Modify shall be made on forms furnished by the Department, or by other means prescribed by the Department.
2. A separate application is required for each source.
3. Each application shall be signed by the applicant.
4. Each application shall be accompanied by site information, plans, description, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.
5. Any additional information, plans, specifications, evidence

or documentation that the Department may require shall be furnished upon request.

C. General Procedures

1. No permit to Construct or Modify will be granted unless the applicant shows to the satisfaction of the Department that:
 - a. The source will operate without causing a violation of any local, State or Federal Air Pollution Control Regulation.
 - b. The source will not prevent or interfere with attainment or maintenance of any national ambient air quality standard.
2. The Department will review the application within 15 days to determine if any additional information is required. The Department will notify the applicant requesting such information.
3. The Department shall, according to procedures on file at the Department, review all information within 15 days after all needed information has been submitted and provide an analysis of the effect of the operation or use of the indirect source on ambient air quality and a description of the Department's proposed approval or disapproval.
 - a. The analysis provided for in this subsection and the Department's proposed action, together with the information submitted by the owner or operator, shall be made available to the public in at least one location in each county in which the indirect source is to be located. The availability of such materials shall be made known by notice published in a newspaper of general circulation in each county in which the indirect source is to be located. A copy of such notice shall be sent to the Environmental Protection Agency and to other appropriate State and local agencies. There shall be a 30 day period after publication for comment on the air quality effects of the indirect source. Such comment shall be made in writing to the Department.
 - b. After consideration of comments and any additional information submitted during the comment period, and within 45 days after publication of the notice, the Department will notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department will set forth reasons for any denial.
4. The Department may impose reasonable conditions upon an approval.
5. The Department may cancel an approval if the construction is delayed more than two years from the date specified in the application. Further, if construction is not begun within five

years after issuance of the permit, the Department may re-evaluate the proposal in light of any changed conditions in the vicinity of the proposed facility that were not anticipated at the time of review and may impose any additional conditions on approval that may be necessary to prevent interference with the attainment or maintenance of any national ambient air quality standard.

- D. Issuance of a permit to construct shall not relieve the owner or operator of the responsibility to comply with all applicable local, State, or Federal regulation, or any applicable portions of the states control strategy.

SECTION 5

(13.0) Reporting

- A. The Department, in furtherance of its duties granted by the 1972 Idaho Session Laws, Chapter 347, Section 5 (1), may require a person engaged in an activity which may violate the Air Pollution Control Act or any rules or regulations adopted thereunder to:
 - 1. Prepare a schedule whereby the unlawful activity will be brought into compliance over a specified period of time;
 - 2. Submit periodic reports to the Department indicating progress in achieving compliance;
 - 3. Keep and maintain appropriate records or to monitor air contaminants at the source, in the ambient air, or in vegetation to demonstrate compliance;
 - 4. Develop emergency episode plans to help prevent ambient air pollution concentrations from reaching levels which would cause substantial endangerment to health.
 - 5. Any emission standard violation due to a malfunction must be reported to the Department no later than the end of the working day following the occurrence, unless otherwise specified by the Department.
- B. The Administrator, after hearing, may require such compliance schedules, periodic reports, records and monitoring, or emergency episode plans for an individual pollution source or for an entire group or class of such pollution sources.
- C. All reports and information submitted to the Department shall be provided in a format approved by the Department.
- D. Any records or information furnished to the Department shall be subject to the confidentiality provisions of Section 114 of the 1970 Federal Clean Air Act.

SECTION 6

(7.0)

Scheduled Maintenance

Emissions exceeding any of the limits established in these regulations. as a direct result of the shutdown of any air pollution equipment for scheduled maintenance while the related production equipment continues to operate, shall require the following:

- A. Such occurrence shall be reported in writing to the Department as soon as reasonably possible; and permission from the Department must be received prior to such a shutdown.
- B. Permission may be granted only in those cases where the maximum reasonable effort, including off-shift labor where required, has been made to accomplish such maintenance during periods of non-operation of any related source operations or equipment.
- C. The person responsible for such emission shall, with all practicable speed, initiate and complete appropriate action to correct the conditions causing such emissions to exceed said units; to reduce the frequency of occurrence of such conditions; to minimize the amount by which said limits are exceeded; and shall, upon request of the Department, submit a full report of such occurrence.
- D. Persons responsible for operating equipment that might exhaust harmful contaminants during maintenance shutdowns, shall provide auxiliary pollution abatement equipment to maintain levels below those harmful to man, animals, and vegetation, or reduce production levels to meet such requirements.

SECTION 7

(5.0)

Variances

- A. Petition. A variance proceeding shall be commenced by filing three copies of a petition for variance with the Administrator. The complaint may be accompanied by such affidavits or other proof as the petitioner may submit in order to make it possible for the Administrator, if he so desires, to dispose of the matter without a hearing. The petition shall contain the following:
 1. A concise statement of the facts upon which the variance is requested, including a description of the business or activity in question; the quantity and type of raw materials processed; an estimate of the quantity and type of contaminants discharged; a description of existing and proposed equipment for the control of discharges; and a time schedule for bringing the activity into compliance;
 2. A concise statement of why the petitioner believes that compliance with the provision from which variance is sought

would impose an arbitrary or unreasonable hardship, including a description of the costs that compliance would impose on the petitioner and other, and of the injury that the grant of the variance would impose on the public; and

3. A clear statement of the precise extent of the relief sought.
- B. Notice. The Department shall give notice of all variance petitions as required by law.
- C. Investigation and Recommendation. After investigating the variance petition and considering the views of person who might be adversely affected by the grant of the variance, the Department staff shall within 21 days after the filing of the petition, make a recommendation to the Administrator as to the disposition of the petition. The recommendation, a copy of which shall be served on the petitioner, shall include:
1. A description of the efforts made by the Staff to investigate the facts as alleged and to ascertain the views of persons who might be affected, and a summary of the views so ascertained;
 2. A statement of the degree to which, if at all, the Staff disagrees with the facts as alleged in the petition;
 3. Allegations of any other facts the Staff believes relevant to the disposition of the petition;
 4. The Staff's assessment of the costs that compliance would impose on the petitioner and on others and of the injury that the grant of the variance would impose on the public; and
 5. The Staff's reasoned recommendations as to what disposition should be made of the petition.
- D. Objections to Petition. Any person may file with the Department within twenty-one days after the filing of the petition, a written objection to the grant of the variance. A copy of such objection shall be provided by the Department to the petitioner.
- E. Authorization of Hearing. If no objection is made by the Staff or by any other person to the grant of the variance within 21 days after the filing of the petition, the Administrator shall authorize a hearing unless it determines either:
1. That even if all the facts alleged in the petition are true, the petitioner is not entitled to a variance; or
 2. That the petitioner has shown from affidavits or other proof that compliance with the provisions from which variance is sought would impose an arbitrary or unreasonable hardship.

No variance shall be granted, with or without hearing, without adequate proof by the petitioner that compliance would impose an arbitrary or unreasonable hardship.

If the Administrator decides not to hold a hearing, he shall pass upon the petition and shall prepare an opinion stating his reasons both for the grant or denial of the petition and for his decision not to hold a hearing.

The Administrator may authorize a hearing without waiting for the expiration of the 21 days during which objections may be filed, but shall not rule upon the petition without hearing until the 21 days have elapsed.

- F. Notice of Hearing. The Hearing Officer, after appropriate consultation with the parties, shall set a time and place for hearing and shall give notice to the petitioner, the Administrator, and anyone who has filed an objection to the petition at least 21 days prior to the date of the hearing. The hearing shall be set for a date no later than 60 days after the filing of the petition. Any request by the petitioner for a continuance shall constitute a waiver of the right to a decision within 90 days, under Section 38 of the Act, for the period of the continuance.
- G. Decision. The Administrator shall render a final decision on the petition within 90 days after the filing of the petition, except that time included in a continuance granted at the request of the petitioner shall not be counted. When exigencies of time require, the Administrator may delay the filing of an opinion until not more than 30 days after the filing of its final order under this SECTION.
- H. Variance from New Regulation. If any person files a petition for variance from a regulation within 20 days after the effective date of such a regulation, the operation of such regulation shall be stayed as to such person, pending the disposition of the petition. The Administrator may hold a hearing upon said petition within five days from the notice of such hearing, but in all other respects, the rules in this Section shall apply to the extent they are consistent with the hearing date set by the hearing officer.

SECTION 8

(2.0)

Circumvention

No person shall willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminants emitted, conceals an emission of air contaminants which would otherwise violate these rules and regulations.

SECTION 9

(2.0) Total Compliance

Where more than one ambient air quality standard or emission standard may apply to a particular situation, all such standards must be met for total compliance, unless otherwise provided for in these rules and regulations.

SECTION 10

(9.0) Sampling and Analytical Procedures

All sampling and analytical procedures shall be as approved by the Department. A procedures manual to be entitled "Procedures Manual for Air Pollution Control" shall be published and maintained by the Department staff. The procedures manual is available upon request.

SECTION 11

(2.0) Provisions Governing Specific Activities

- A. Toxic Substances. Any contaminant which is by its nature toxic to human or animal life or vegetation, but is not specifically controlled elsewhere in these rules and regulations, shall not be emitted in such quantities or concentrations as to alone, or in combination with other contaminants, injure or unreasonably affect human or animal life or vegetation. As information becomes available, limits will be specified for concentration of toxic materials in the ambient air and emission limits will be set accordingly.
- B. Modifying Physical Conditions. When physical conditions such as tall adjacent buildings, valley and mountain terrain, etc., are such as to limit the normal dispersion of air contaminants, the Board may set more restrictive emission limitations on those sources affected by the usual conditions when air quality standards would reasonably be expected to be exceeded.
- C. Source Density. Should areas develop where an individual source is meeting the requirements of these rules and regulations, yet the ambient air quality standards are being exceeded or might reasonably be expected to be exceeded, the Board may set more restrictive emission limits than are contained in these rules and regulations.

B. AIR POLLUTION EMERGENCY REGULATION

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to define criteria for an air pollution emergency, to formulate a plan for preventing or alleviating such an emergency, and to specify rules and regulations for carrying out the plan. The procedures for implementing this regulation are delineated in Chapter XII of the State Implementation Plan.

SECTION 2

(8.0) EPISODE CRITERIA

In order to prevent air quality in any area of the state from degrading to the point where the public health would be substantially endangered, the Department is specifying four stages or levels of atmospheric stagnation and/or degraded air quality. At each of these levels, a different emergency action plan will go into effect for the stricken area. These stages consist of:

- Stage 1 - Air Pollution Forecast: An internal watch by the Department shall be actuated by a National Weather Service report that an Atmospheric Stagnation Advisory to be issued, or the equivalent local forecast of stagnant atmospheric conditions.
- Stage 2 - Alert: This is the first stage at which air pollution control actions by industrial sources are to begin.
- Stage 3 - Warning: the warning level indicates that air quality is continuing to degrade and that further control actions are necessary.
- Stage 4 - Emergency: The emergency level indicates that air quality is continuing to degrade to a level that will endanger the public health and that the most stringent control actions are necessary.

Once an episode stage is reached, emergency action corresponding to that level will remain in effect until air quality measurements indicate that another stage (either lower or higher) has been attained. At such time, actions corresponding to the next level will go into effect. This procedure will continue until the episode is terminated.

The air quality criteria defining each of these episode stages are presented in Figure VII-1. The 24-hour average ambient concentration of particulate matter, measured either in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) or as a coefficient of haze (COHs), is presented along the

horizontal axis. The vertical axis presents the 24-hour average ambient concentration of sulfur dioxide, measured either in parts per million (ppm) or in micrograms per cubic meter (ug/m³).

SECTION 3

(14.0)

PUBLIC NOTIFICATION

A. On the basis of degrading air quality as determined by the Department, and the criteria for emergency episode levels as shown in Figure VII-1, the Department will utilize appropriate news media to insure that the following information is announced to the public:

1. Definition of the extent of the problem.
2. Indication of the action taken by the Department of Environmental Protection and Health.
3. Air pollution forecast for next few days.
4. Notice of when the next statement from the Department of Environmental Protection and Health will be issued.
5. Listing of all general procedures which the public, commercial, institutional and industrial sectors are required to follow.
6. Specific warnings and advice to those person who because of acute health problems, may be most susceptible to the effects of the episode.

Such announcements will be made by the news media during regularly scheduled television and radio news broadcasts and in all editions of specified newspapers. In addition, when the stage 4 emergency level is reached, television and radio stations designated by the Department will repeat these announcements at one-hour intervals during normal broadcasting hours.

B. The Department will assure that all significant source of air contaminants are notified of the emergency level by telephone, or other appropriate means.

SECTION 4

(2.0)

GENERAL RULES

All persons in the designated stricken area shall be governed by the following rules for each emergency episode level:

A. Level 1 - Air Pollution Forecast

1. There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form (including those

categories that are normally allowed under the Open Burning Regulation).

B. Level 2 - Alert

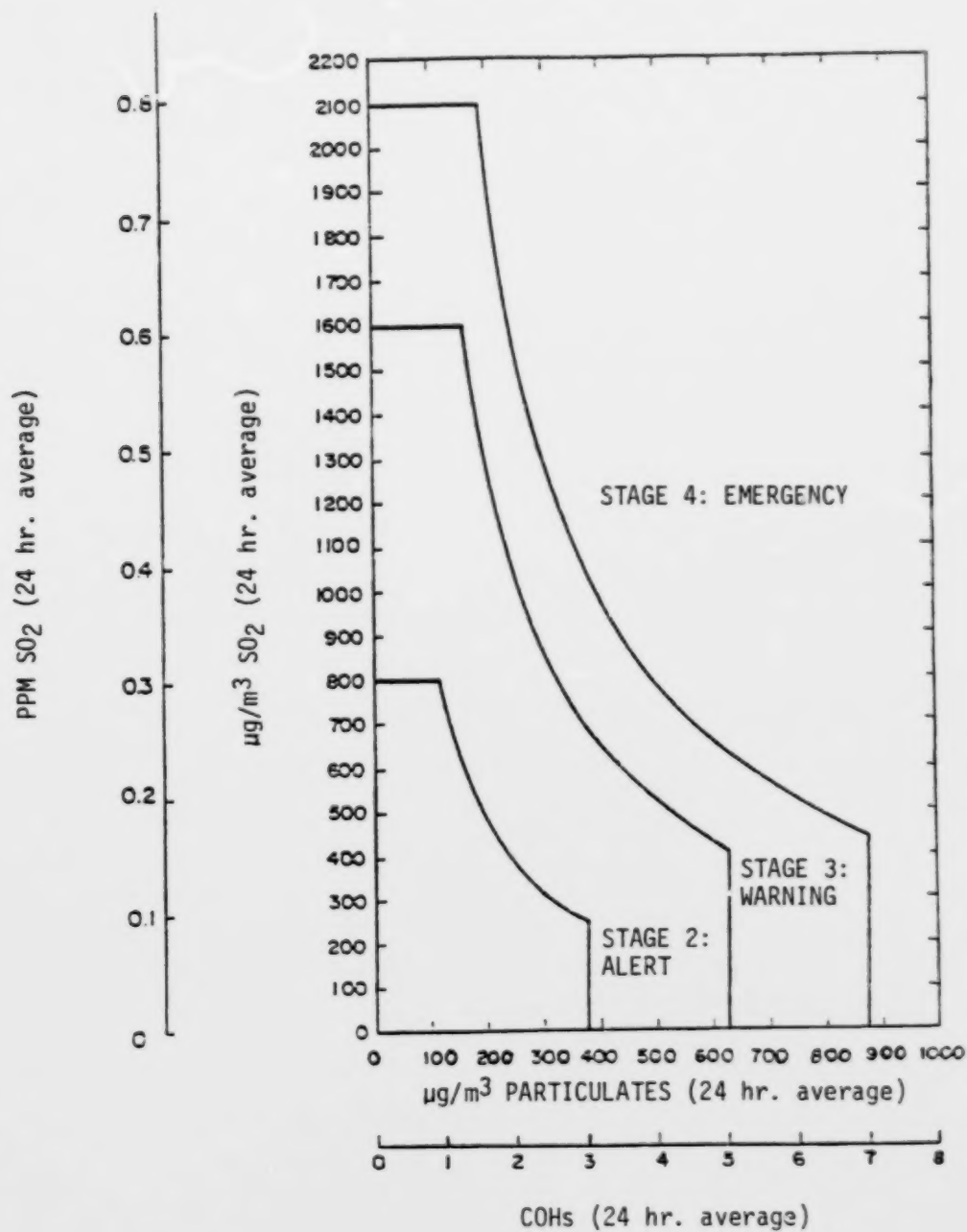
1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste (except those conical burners for which specific Abatement Plans exist) shall be limited to the hours between 12 noon and 4 p.m.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
4. Commercial, industrial or institutional facilities utilizing coal or residual fuel oils are required to switch to natural gas or distillate oil if available.

C. Level 3 - Warning

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited (except those conical burners for which specific Abatement Plans exist).
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12 noon and 4 p.m.
4. Commercial industrial and institutional facilities utilizing coal or residual fuel are required to either:
 - switch completely to natural gas or distillate oil.
 - if these low sulfur fuels are not available, curtail the use of existing fuels to the extent possible without causing injury to persons or damage to equipment.

FIGURE VII-1

EMERGENCY EPISODE AIR POLLUTION CRITERIA



D. Level 4 - Emergency (called only with specific concurrence of Governor)

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.
3. All places of employment described below shall immediately cease operations:
 - a. Mining and quarrying of nonmetallic minerals.
 - b. All construction work except that which must proceed to avoid emergent physical harm.
 - c. All manufacturing establishments except those required to have in force an air pollution emergency plan.
 - d. All wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies and food.
 - e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.
 - f. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food.
 - g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.
 - h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photography studios; beauty shops, barber shops, shoe repair shops.
 - i. Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blue-printing; photocopy, mailing, mailing list and steno-

graphic services; equipment rental services, commercial testing laboratories.

- j. Automobile repair, automobile services, garages.
 - k. Establishments rendering amusement and recreational services including motion picture theaters.
 - l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.
4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operation which emit air pollutants to the extent possible without causing injury to persons or damage to equipment. These action include limiting boiler lancing or soot blowing operations for fuel burning equipment to between the hours of 12 noon and 4 p.m.

SECTION 5

(8.0)

SPECIFIC EMERGENCY EPISODE ABATEMENT PLANS FOR POINT SOURCES

In addition to the general rules presented in Section 4 above, the Department shall require that specific point sources adopt and implement their own Emergency Episode Abatement Plans in accordance with the criteria set forth in Section 2 above. An individual plan be revised periodically by the Department after consultation between the Department and the Point Source.

C. AMBIENT AIR QUALITY STANDARDS

SECTION 1

(2.0) PURPOSE

It is the purpose of this regulation to establish air quality standards for the State of Idaho which define acceptable ambient concentrations of air contaminants consistent with established air quality criteria.

SECTION 2

(2.0) GENERAL

- A. The air quality standards established herein shall apply to all of the State outside a source property line.
- B. Where applicable air quality measurements shall be corrected to a reference temperature of 70° F. and to a reference pressure of 14.7 pounds per square inch absolute.
- C. At such time as additional pertinent information becomes available with respect to air quality criteria, such information shall be considered and new or revised air quality standards promulgated as required.
- D. The absence of an air quality standard for a specific contaminant shall not preclude action by the Department to control such contaminants to assure the health, welfare and comfort of people of the State.
- E. All measurement techniques for determining compliance with national Ambient Air Quality Standards shall be approved by EPA.

SECTION 3

(4.1) PARTICULATE MATTER

- A. Primary air quality standards are:
 - 1. 75 micrograms per cubic meter--annual geometric mean.
 - 2. 260 micrograms per cubic meter--maximum 24 hour concentration not to be exceeded more than once per year.
- B. Secondary air quality standards are:
 - 1. 60 micrograms per cubic meter--annual geometric mean.
 - 2. 150 micrograms per cubic meter--maximum 24 hour concentration not to be exceeded more than once per year.

SECTION 4

(4.2) SULFUR OXIDES (SULFUR DIOXIDE)

A. Primary air quality standards are:

1. 80 micrograms per cubic meter (0.03 ppm) - annual arithmetic mean.
2. 365 micrograms per cubic meter (0.14 ppm) - maximum 24-hour concentration not to be exceeded more than once per year.

B. Secondary air quality standards are:

1. 1,300 micrograms per cubic meter (0.50 ppm) - maximum 3-hour concentration not to be exceeded more than once per year.

C. When more than one standard is applicable, the interpretation that results in the most stringent standard shall apply.

SECTION 5

(4.6) PHOTOCHEMICAL OXIDANTS

A. Primary and secondary air quality standards are:

1. 160 micrograms per cubic meter (0.08 ppm) - maximum 1-hour concentration not to be exceeded more than once per year.

SECTION 6

(4.4) HYDROCARBONS

A. Primary and secondary air quality standards, as measured and corrected for methane, are:

1. 160 micrograms per cubic meter (0.24 ppm) - maximum 3-hour concentration (between 6 a.m. and 9 a.m.) not to be exceeded more than once per year.

B. The hydrocarbon air quality standard is for use as a guide in determining hydrocarbon emission control required to achieve the photochemical oxidant standards.

TABLE VII-1
MAXIMUM ALLOWABLE SULFUR DIOXIDE
GROUND-LEVEL LIMITS*

Conc (c) in ppm (vol.)	Total Cumulative Daily Exposure Duration (t) in Hours		Total Cumulative Monthly Exposure Duration (t) in Hours	
	Between Sunrise and Sunset	Between Sunrise and next Succeeding Sunrise	During Hours Between Sunrise and Sunset	Anytime During Month
Column 1	Column 2	Column 3	Column 4	Column 5
1.51 or over	0.05	0.10	1.00	2.00
1.5	0.62	1.24	4.40	8.80
1.4	0.67	1.34	5.10	10.20
1.3	0.73	1.46	5.90	11.80
1.2	0.80	1.60	6.90	13.80
1.1	0.89	1.78	8.30	16.60
1.0	1.00	2.00	10.00	20.00
0.9	1.14	2.28	12.40	24.80
0.8	1.33	2.66	15.60	31.20
0.7	1.60	3.20	20.40	40.80
0.6	2.00	4.00	27.80	55.60
0.5	2.67	5.34	40.00	80.00
0.4	4.00	8.00	62.50	125.00
0.3	8.00	16.00	111.00	222.00

Interpolation of Columns 2, 3, 4 and 5 shall be based on the formula:

$$t = \frac{0.8}{c-0.2}, \quad t = \frac{1.6}{c-0.2}, \quad t = 10/c^2, \text{ and } t = 20/c^2 \text{ respectively}$$

SECTION 7

(4.3) NITROGEN DIOXIDE

A. Primary and secondary air quality standards are:

1. 100 micrograms per cubic meter (0.05 ppm) - annual arithmetic mean.

SECTION 8

(4.5) CARBON MONOXIDE

A. Primary and secondary air quality standards are:

1. 10 milligrams per cubic meter (9 ppm) - maximum 8-hour concentration not to be exceeded more than once per year.
2. 40 milligrams per cubic meter (35 ppm) - maximum 1-hour concentration not to be exceeded more than once per year.

SECTION 9

(4.1) SETTLEABLE PARTICULATE

A. Primary and secondary air quality standards are:

1. 0.8 milligrams per square centimeter per month not to be exceeded more than 25% of the time.

SECTION 10

(4.7) SULFURIC ACID MIST

A. Primary and secondary air quality standards are:

1. 12 micrograms per cubic meter - maximum 24-hour concentration not to be exceeded more than once per month.
2. 30 micrograms per cubic meter - maximum 1-hour concentration not to be exceeded more than twice per week.

SECTION 11

(4.7) FLUORIDES

A. Primary and secondary air quality standards are those concentrations in the ambient air which result in a total fluoride content in vegetation used for feed and forage of no more than:

1. 40 parts per million, dry basis - annual arithmetic mean.

2. 60 parts per million, dry basis - monthly concentration for two consecutive months.
3. 80 parts per million, dry basis - monthly concentration never to be exceeded.

SECTION 12

(4.7)

BERYLLIUM

A. Primary and secondary air quality standards are:

1. 0.01 micrograms per cubic meter - maximum 24-hour concentration not to be exceeded more than once per year.

D. REGULATION FOR CONTROL OF OPEN BURNING

SECTION 1

(2.0) INTRODUCTION

A. Purpose

The purpose and intent of this regulation is to eliminate all forms of open burning except those for which an alternate means of producing a similar public benefit does not exist.

B. Non-exemption from other jurisdiction

The authority to continue certain forms of open burning under provisions of this regulation does not exempt or excuse a person from the consequent damage or injuries which may result from such conduct, nor exempt a person from complying with applicable laws and ordinances of other governmental jurisdiction not in conflict with these regulations.

C. Local Control

This regulation is not intended to interfere with the rights of city or county government to provide equal or more stringent control of open burning within their respective jurisdictions.

SECTION 2

(2.0) GENERAL RESTRICTIONS

- A. Notwithstanding the provisions of subsection B of this section, no person shall allow, suffer, cause or permit the open burning of materials which emit toxic contaminants or large volumes of smoke, particulates or odors (such materials are garbage, rubber, plastics, heavy petroleum products, dead animals, etc.).
- B. No person shall allow, suffer, cause or permit any open burning operation which does not fall into at least one of the categories of Section 3.
- C. Any open burning operation that would normally be allowed by Section 3 of this regulation, but is determined to be a nuisance, hazard, or source of air pollution, shall be prohibited.

SECTION 3

(51.13) CATEGORIES OF ALLOWABLE BURNING

- A. Fires used for the preparation of food, campfires and fires for recreational purposes, under control of a responsible person.

- B. Fires used for control or alleviation of fire hazard or for weed control when no alternate control method exists. When such burning requires a permit from an organized fire-fighting agency having proper jurisdiction, issuance of such permit shall be based on consideration of potential environmental damage and suitability of alternate methods in addition to other factors.
- C. Fires used in the training of organized fire-fighting personnel.
- D. Properly operated industrial flares for combustion of flammable gases.
- E. Readily combustible rubbish produced by operation of a domestic household may be burned on the property from which the rubbish was generated if no public or commercial solid waste collection service is available and the property is located in an area of low population density, defined as having fewer than 100 dwelling units per square mile. This shall include tree leaves and gardening waste. Rubbish is defined in the Idaho Solid Waste Control Regulations and Standards as "non-putrescible solid waste except abandoned vehicles and car bodies or car body parts, industrial solid waste and agricultural solid waste."
- F. Burning at community tree disposal areas and private disposal sites shall be in compliance set forth in the Idaho Solid Waste Control Regulations and Standards.
- G. Open burning of junked motor vehicles will be permitted under the following conditions until December 31, 1971:
 - 1. The persons responsible for the burning of a salvage operation shall contact a State Air Pollution Control Office of proper jurisdiction to obtain a weather evaluation and permission to burn on that day.
 - 2. No burning will be allowed on Saturday or Sunday.
 - 3. Burning hours will be 10:00 a.m. - 4:00 p.m. unless otherwise stated.
 - 4. Number of units to be burned at any one location at one burn shall be limited to 100 unless otherwise stated.
 - 5. Tires and floormats shall be removed prior to burning.
 - 6. Every reasonable effort will be made on the part of the salvage operation to prepare the units in such a manner that rapid and efficient combustion will occur.

Any burning of motor vehicles after December 31, 1971, if determined by the Department to be necessary, shall be conducted at one or several centralized locations. Such locations shall be

approved by the Idaho Department of Environmental Protection and Health.

- H. The open burning of plant life grown on the premises in the course of any agricultural, forestry, or land clearing operation may be permitted when it can be shown that such burning is necessary and that no fire or traffic hazard will occur. Convenience of disposal is not of itself a valid necessity for burning.
 - 1. It shall be the responsibility of any person conducting such burning to make every responsible effort to burn only when weather conditions are conducive to a good smoke dissipation and only when an economical and reasonable alternate method of disposal is not available.
 - 2. When such alternate method is made available, it shall be put into use within a reasonable time.
 - 3. Any person conducting an agricultural, forestry, or land clearing burning operation similar to an operation carried out by a governmental agency shall follow the rules and procedures of the agency with regard to minimizing air pollution.
 - 4. When such burning creates air pollution or a public nuisance, additional restrictions may be imposed to minimize the effect upon the environment.
- I. Orchard heating is a recognized necessity for protection of crops from frost damage and will be permitted under the following conditions:
 - 1. Open burning of tires and similar type rubber materials is prohibited.
 - 2. After June 1, 1974, the use of stackless open-pot type heaters shall be prohibited.
 - 3. After June 1, 1974, no orchard heating device with visible emission exceeding No. 2 on the Ringelmann Smoke Chart at normal operating conditions shall be used.
 - 4. All heaters purchased after the effective date of these regulations shall emit no more than one (1.0) grams per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer. At the time of purchase, the seller shall certify in writing to the purchaser that all new equipment is in compliance with these rules and regulations.
 - 5. A listing of heaters known to meet these standards shall be maintained by the Department and made available upon request.

E. REGULATION FOR CONTROL OF SMOKE AND OTHER VISIBLE EMISSIONS.

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to control visible emission from all sources. Such control will alleviate many significant nuisance problems as well as help to achieve and maintain acceptable levels of ambient air quality.

SECTION 2

(50.1.2) STANDARD FOR EXISTING SOURCES

No person shall allow the emission of any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

- A. Darker in shade than that designated No. 2 (40% density) on the Ringelmann Chart as published by the United States Bureau of Mines;
OR
- B. Of such opacity as to obscure an observer's view to the same degree as an emission described in A above.

SECTION 3

(10.0) STANDARD FOR NEW SOURCES

No person shall allow the emission of any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

- A. Darker in shade than that designated No. 1 (20% density) on the Ringelmann Chart as published by the United States Bureau of Mines;
OR
- B. Of such opacity as to obscure an observer's view to the same degree as an emission described in A above.

SECTION 4

(9.0) POINT OF MEASUREMENT

The density or opacity of an air contaminant shall be measured at the point of its emission if observable, and if not shall be measured at an observable point on the plume nearest the point of emission. When water particulate contributes to the opacity of a visible emission, the measurement shall be made immediately beyond the point where the water particulate dissipates and no longer contributes to the opacity.

SECTION 5

(2.0) EXCEPTION

This Visible Emission Regulation shall not apply when the presence of water or condensing water vapor is the only reason for the failure of the emission to comply with the requirements of this chapter.

F. REGULATION FOR CONTROL OF FUGITIVE DUST

SECTION 1

(2.0) Purpose

The purpose of this regulation is to require that all reasonable precautions be taken to prevent the generation of fugitive dust.

SECTION 2

(50.1) General Rules

All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

- A. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings and structures, construction operation, the grading of roads, or the clearing of land.
- B. Application of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dusts.
- C. Installation and use of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
- D. Covering, at all times when in motion, open bodied trucks transporting materials likely to give rise to airborne dusts.
- E. Conducting of agricultural practices such as tilling of land, application of fertilizers, etc., in such a manner as to limit dust from becoming airborne.
- F. Paving of roadways and their maintenance in a clean condition.
- G. Prompt removal of earth or other stored material from streets.

G. REGULATION FOR CONTROL OF PARTICULATE EMISSIONS FROM FUEL BURNING EQUIPMENT.

SECTION 1

(2.0) Purpose

The purpose of this regulation is to establish limits of particulate emission from fossil fuel burning equipment and from hogged fuel boilers.

SECTION 2

(51.5) General Rules

A. No person shall allow, suffer, cause or permit emissions into the outdoor atmosphere from any fuel burning equipment or to pass a convenient measuring point near the stack outlet, particulate matter in the flue gases to exceed the following standards:

1. For operations with total heat input less than ten million BTU per hour - 0.6 pounds of particulates per million BTU heat input.
2. For operations with total heat input greater than ten billion BTU per hour - 0.12 pounds of particulates per million BTU heat input.
3. For operations with total heat input greater than ten million and ten billion BTU per hour the maximum allowable emission, Y (pounds), shall be determined by the following equation:

$$\text{Log } Y = 0.2300 \log X - 2.0111$$

where X is the total heat input in millions of BTU.

4. Figure VII-1 illustrates these emission standards.
- B. Heat input shall be calculated as the aggregate heat content of all fuels (using the upper limit of their range of heating value) whose products of combustion pass through the stack or chimney.
1. When two or more fuel-burning units are connected to a single stack, the combined heat input of all units connected to the stack shall be used to determine the allowable emission from the stack.
 2. When a single fuel-burning unit is connected to two or more stacks, the allowable emission from all the stacks combined shall not exceed that allowable for the same unit connected to a single stack.

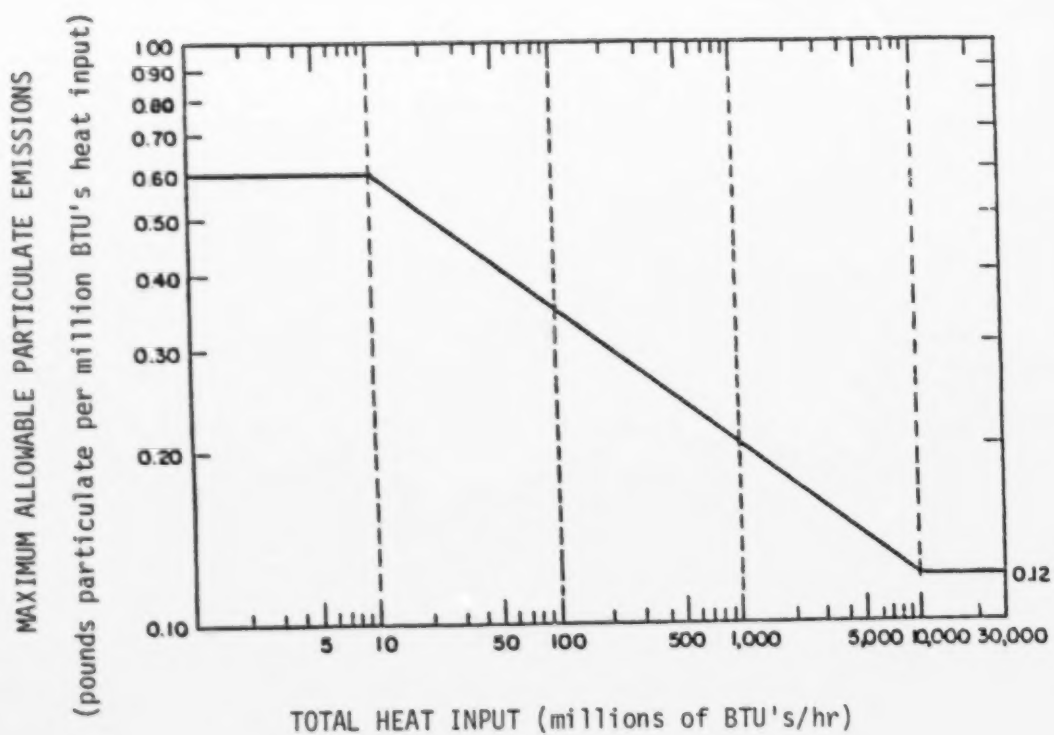
SECTION 3

(2.0) Exceptions

All fuel burning equipment rated less than one (1) million BTU per hour heat input is exempt from this regulation.

FIGURE VII-2

MAXIMUM ALLOWABLE PARTICULATE EMISSIONS
as a Function of Heat Input



H. REGULATION FOR CONTROL OF PARTICULATE EMISSIONS FROM INDUSTRIAL
PROCESS

SECTION 1

(2.0) Purpose

The purpose of this regulation is to establish particulate emission limits for any operation, process or activity not identified by name and specifically regulated elsewhere in these rules and regulations, and shall apply during normal operation.

SECTION 2

(50.1) EMISSION LIMITATIONS

No person shall cause, suffer, allow or permit the emission of particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in Table VII-2 for the process weight rate allocated to such a process or process equipment. The rate of emission shall be the total of all emission points from the source.

TABLE VII-2
ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE*

Process Weight Rate			Process Weight Rate		
Rate of Emission			Rate of Emission		
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

*Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E = 4.10 P^{0.67}$, and interpolation and extrapolation of the data for process rates in excess of 60,000 lb/hr shall be accomplished by use of the equation:

$$E = 55.0 P^{0.11} - 40, \text{ where } E = \text{rate of emission in lb/hr and} \\ P = \text{process weight rate in tons/hr.}$$

I. REGULATION FOR SULFUR CONTENT OF FUELS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to prevent excessive ground level concentrations of sulfur dioxide from fuel burning sources in Idaho.

SECTION 2

(50.2) SULFUR CONTENT IN FUELS

Definitions as used in this regulation:

1. "ASTM" means American Society for Testing and Materials.
2. "Distillate Fuel Oil" means any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils.
3. "Residual Fuel Oil" means any oil meeting the specifications of ASTM Grade 4, Grade 5 and Grade 6 fuel oils.

SECTION 3

(50.2) RESIDUAL FUEL OILS

1. After January, 1973, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 2.5 percent sulfur by weight.
2. After January, 1974, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than 1.75 percent sulfur by weight.

SECTION 4

(50.2) DISTILLATE FUEL OIL

1. After January, 1973, no person shall sell, distribute, use, or make available for use, any distillate fuel oil containing more than the following percentages of sulfur:
 - a) ASTM Grade 1 fuel oil - 0.3 percent by weight
 - b) ASTM Grade 2 fuel oil - 0.5 percent by weight

SECTION 5

(50.2) COAL

1. After January 1, 1973, no person shall sell, distribute, use, or make available for use, any coal containing greater than 1.0 percent sulfur by weight.

J. REGULATION FOR CONTROL OF FLUORIDE EMISSIONS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to prevent the emission of fluorides such that the accumulation of fluorine in feed and forage for livestock does not exceed the safe limits specified below.

SECTION 2

(50.7) GENERAL RULES

- A. No person shall allow, suffer, cause or permit the discharge into the atmosphere of fluorine, fluorides, or other fluorine compounds in such quantities that, in combination with all other sources of fluorine, fluorides or other fluorine compounds, both of natural and man-made origins, the total fluoride content in feed and forage exceeds the standards listed in SECTION 12 of the Ambient Air Quality Standards Regulation.
- B. Compliance with SUBSECTION A of this SECTION will be adjudged upon the results of the continuing program of fluoride sampling of potential grazing areas and alfalfa growing areas conducted by the Department.

K. REGULATION FOR CONTROL OF ODORS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to control odorous emissions from all sources for which no other gaseous emission control regulations apply.

SECTION 2

(50.6) GENERAL RULES

- A. No person shall allow, suffer, cause or permit the emission of odorous gases, liquids or solids into the atmosphere in such quantities as to cause air pollution.
- B. No person shall allow, suffer, cause or permit any plan engaged in that processing of animal, mineral, or vegetable matter or chemical processes utilizing animal, mineral or vegetable matter to be operated without employing reasonable measures for the control of odorous emissions including wet scrubbers, incinerators, chemicals or such other measures as may be approved by the Department.

L. REGULATION FOR CONTROL OF INCINERATORS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to prevent excessive emissions of particulate matter from incinerators.

SECTION 2

(51.9) GENERAL RULES

- A. No person shall allow, suffer, cause or permit any incinerator to discharge more than 0.2 pounds of particulates per 100 pounds of refuse burned.
- B. No person shall allow, suffer, cause, or permit any new domestic, commercial, industrial, or municipal incinerator to be installed or operated unless the installation and operation complies with the provisions and requirements of the "Multiple-Chamber Incinerator Design Standards for Los Angeles County" or unless such incinerator is found by the Department to be equally effective for the purpose of air pollution control.

SECTION 3

(2.0) EXCEPTIONS

This regulation does not apply to wigwam burners.

M. REGULATION FOR CONTROL OF MOTOR VEHICLE EMISSIONS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to prevent excessive emission from motor vehicles.

SECTION 2

(12.0) GENERAL RULES

- A. No person shall allow, suffer, cause, or permit the removal, disconnection or disabling of a crankcase emission control system or device, exhaust emission control system or device, fuel evaporative emission control system or device, or any other system or device which has been installed on a motor vehicle in accordance with Federal Laws and regulations while such motor vehicle is operating in the State.
- B. No person shall discharge into the ambient air any visible emission from any motor vehicle which is:
 - 1. Darker in shade than smoke designated as No. 2 on the Ringelmann Smoke Chart, or
 - 2. Of such opacity as to obscure an observer's view to a degree greater than does smoke designated as No. 2 on the Ringelmann Smoke Chart (when used as a measure of opacity), except that this restriction shall not apply when condensing water vapor is the only reason for non-compliance.

(NOTE: SECTION 49-835, IDAHO CODE, requires that "The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.")

N. REGULATION FOR CONTROL OF HOT-MIX ASPHALT PLANTS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to establish for hot-mix asphalt plants restrictions on the emission of particulate matter.

SECTION 2

(51.8) GENERAL RULES

A. Permanent Locations

No person shall cause, allow or permit a hot-mix asphalt plant which is intended to be located in one location or area for an extended period of time to have particulate emissions which exceed the Table of Allowable Rate of Emissions Based on Process Weight Rate.

B. Temporary Locations

1. No person shall cause, allow or permit any portable hot-mix asphalt plant to be operated without a particulate collection system which shall have a collection efficiency of at least 80 percent.

2. No person shall cause, allow or permit to operate

- a. within one-half (1/2) mile of any structure used for a residence, campground, or park,
- b. within five (5) miles of a city limit boundaries, or within the boundaries of an incorporated city,
- c. at any location which may cause or create a nuisance or hazard,

a portable hot-mix asphalt plant so that particulate emissions exceed the Table of Allowable Rate of Emissions Based on Process Weight Rate.

C. Multiple Stacks

In the case of more than one stack to a hot-mix asphalt plant, the emission limitation will be based on the total emission from all stacks.

D. Fugitive Dust Control

No person shall cause, allow or permit a plant to operate that is not equipped with an efficient fugitive dust control system.

The system shall be operated and maintained in such a manner as to satisfactorily control the emission of particulate material from any point other than the stack outlet.

The owner or operator of the plant shall maintain fugitive dust control of the plant premises and plant owned, leased or controlled access roads by paving, oil treatment or other suitable measures. Good operating practices, including water spraying or other suitable measures, shall be employed to prevent dust generation and atmospheric entrainment during operations such as stockpiling, screen changing and general maintenance.

O. REGULATION FOR CONTROL OF KRAFT PULPING MILLS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to establish for kraft pulping mills restrictions additional to the general regulations presented in this Chapter; to formulate a schedule for compliance with the restrictions; and to formalize the policy of the Department concerning emissions control from kraft pulping mills.

SECTION 2

(2.0) STATEMENT OF POLICY

It is hereby declared to be the policy of the Department to:

- A. Require, in accordance with a specific program and timetable, the highest and best practicable treatment and control of emissions through the utilization of technically feasible equipment, devices and procedures;
- B. Require effective monitoring and reporting of emissions and reporting of other data pertinent to air quality or emissions. The Department will use these data in conjunction with other data on ambient air and local conditions to develop and revise emission standards and air quality standards as necessary, and to determine compliance therewith.
- C. Encourage and assist the kraft pulping industry to conduct research and technological development designed to progressively reduce emissions in accordance with specific programs, objectives and time schedules.
- D. Establish standards deemed to be technically feasible and reasonably attainable, with the intent of revising the standards as necessary when new information and technology are developed.
- E. Establish more restrictive standards for new mills or for mills expanding existing facilities.

SECTION 3

(51.14) GENERAL RULES

- A. All emission standards in this section are based on average daily emissions. These limitations do not preclude a requirement to install the highest and best practicable treatment and control available.
- B. The emission of TRS from all recovery furnace stacks shall not exceed two pounds of sulfur per ton of equivalent air-dried kraft

pulp or, from each recovery furnace stack, seventy ppm expressed as hydrogen sulfide on a dry basis, whichever is the more restrictive. Compliance shall be achieved by December, 1972.

- C. The emission of TRS from all recovery furnace stacks shall be further reduced so as not to exceed one-half pound of sulfur per equivalent ton of air-dried kraft pulp, or from each recovery furnace stack seventeen and one-half ppm, expressed as hydrogen sulfide on a dry gas basis, whichever is the more restrictive, or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls, and procedures. Compliance shall be achieved by not later than July, 1975.
- D. Non-condensibles from digesters and multiple-effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln. Compliance with this requirement shall be achieved by not later than July, 1972.
- E. The emission of particulate matter from all recovery furnace stacks shall not exceed four pounds per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975.
- F. The emission of particulate matter from all lime kilns shall not exceed one pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1975.
- G. The emission of particulate matter material from all smelt tanks shall not exceed one-half pound per ton of equivalent air-dried kraft pulp. Compliance with this requirement shall be achieved by not later than July, 1972.

SECTION 4

(9.0)
(13.0)

MONITORING AND REPORTING

- A. Every kraft mill in the State shall install equipment for the continuous monitoring of TRS.
 - 1. The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continuous sampling and recording of the concentrations of TRS contaminants during a time interval not greater than thirty minutes.
 - 2. The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks.

- B. Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its sampling program as approved by the Department.
- C. Each mill shall submit within sixty days after effective date of this regulation a detailed monitoring program and time schedule for approval by the Department. The equipment shall be ordered within thirty days after the monitoring program has been approved in writing by the Department. The equipment shall be placed in effective operation in accordance with the approved program within ninety days after delivery.
- D. Unless otherwise authorized by the Department, data shall be reported by each mill at the end of each calendar month, as follows:
 - 1. Daily average emission of TRS gases expressed in parts per million on a dry gas basis for each source included in the approved monitoring program.
 - 2. The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds emission standards and the maximum concentration of TRS measured each day.
 - 3. Emission of TRS gases in pounds of sulfur per equivalent air-dried ton of pulp processed in the kraft cycle on a monthly basis for each source included in the approved monitoring program.
 - 4. Emission of particulates in pounds per equivalent air-dried ton of pulp produced in the kraft cycle based upon sampling conducted in accordance with the approved monitoring program.
 - 5. Average daily equivalent kraft pulp production in air-dried tons.
 - 6. Other emission data as specified in the approved monitoring program.
- E. Each kraft mill shall furnish, upon request of the Department, such other pertinent data as the Department may require to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air contaminants, following procedures set forth in the approved monitoring program.

SECTION 5

(2.0)

SPECIAL STUDIES

- A. Special studies, having prior approval of the Department, shall be conducted, and the results thereof submitted to the Department by December, 1972. The studies shall cover the following areas:

1. Evaluation of the emissions of TRS from all other sources within the mill. Other sources means sources of odorous sulfur emissions including, but not limited to, vents from lime kilns, knotters, brown stock pulp washers, multiple-effect evaporators, digesters, blow tanks, smelt tanks, blow heat accumulators, black liquor storage, black liquor oxidations systems, tall oil recovery operations, and any operation connected with the handling of condensate liquids within the mill or any vent which may be a significant contributor of odorous gases.
 2. Evaluation of the emissions of sulfur dioxide from all sources within the mill, including but not necessarily limited to, the recovery furnace, lime kiln, and power boilers.
 3. Evaluation of water vapor emissions from all sources within the mill.
- B. The Department may require each such additional special studies relevant to air pollution and establish completion dates as necessary.

SECTION 6

(2.0)

EXCEPTIONS

- A. The emission limits established under SECTION 3 apply to the specific process as described in the SUBSECTIONS of SECTION 3. These emission limits do not apply to open burning, power boilers, or other operations conducted at the site of or ancillary to the kraft pulp mill operation. Such ancillary operations must meet standards established in the other Rules and Regulations.

P. REGULATION FOR CONTROL OF WIGWAM BURNERS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to reduce, through established design and operation criteria, the emissions of smoke and particulates from wigwam burners utilized for disposal of wood, bark, or other plant fiber.

SECTION 2

(51.20) GENERAL RESTRICTIONS

No person shall allow, suffer, cause or permit the discharge of air contaminants into the outdoor atmosphere from any wigwam burner for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

- A. Darker in shade than smoke designated at #1 on the Ringelmann Smoke Chart, or
- B. Of such opacity as to obscure an observer's view to a degree greater than do emissions designated as #1 on the Ringelmann Smoke Chart (when used as a measure of opacity).

SECTION 3

(2.0) DESIGN CRITERIA

After July 1, 1972, no person shall allow, suffer, cause or permit any wigwam burner to be operated without:

- A. Keeping a continuous recording of the stack exit gas temperatures. Such recordings shall include the operator's name and an explanation for all temperatures below smokeless operation (generally found to be 700-900°F). Such records along with a clean out and maintenance schedule, shall be submitted to the Department of Environmental Protection and Health at such occasions and frequencies as requested from time to time on an individual or class basis.
- B. Proper construction - including:
 - 1. A reasonably airtight shell, including conveyor door opening.
 - 2. A forced under fire system to supply sufficient combustion air to all portions of the fuel pile, with individual air outlets designed to provide maximum diffusion and to minimize plugging ash or clinkers.

3. A forced over fire system of such design to encourage air and minimize particulate fallout.
4. A top damper capable of 100% closure.

In excessive problem areas additional measures may be required, including, but not limited to, auxiliary fuel, surge bins and automated controls in order to aid in improving operations where necessary as determined by repeated violations.

SECTION 4

(2.0)

EXCEPTIONS

- A. Small burners less than 25' in total height need not measure stack temperature if they can continuously demonstrate compliance with Section 2 of this Regulation.
- B. All burners able to demonstrate ability to maintain and operate within the visible limits described under Section 2 and have no apparent fallout problem need not comply with Section 3B.
- C. Within one (1) hour of the start of a new fire or during upset conditions as described in Regulation A, Section 5, Compliance with Section 2 of this regulation need not be met.

Q. REGULATION FOR CONTROL OF RENDERING PLANTS

SECTION 1

(2.0) PURPOSE

The purpose of this regulation is to establish for rendering plants limitations on the emission of odors.

SECTION 2

(51.21) GENERAL RESTRICTIONS

- A. No person shall allow, suffer, cause, or permit the operation or use of any device, machine, equipment, or other contrivance to cook inedible animal or marine matter unless all gases, vapors, and gas entrained effluents from these processes are passed through condensers to remove all steam and other condensable materials. All non-condensables passing through the condensers must then be incinerated at 1200°F for a minimum of 0.3 seconds.
- B. No person shall allow, suffer, cause, or permit the installation or operation of an expeller unless it is properly hooded and all exhaust gases are ducted to odor control equipment.
- C. No person shall allow, suffer, cause, or permit the installation or operation of a rendering plant unless plant ventilation air is collected and ducted to odor control equipment.

SECTION 3

(2.0) EXCEPTIONS

- A. SUBSECTION C of SECTION 2 shall not apply when it can be demonstrated that without ducting plant ventilation air to the odor control equipment no noticeable odors from the plant can be detected at the property line.

S. REGULATION FOR CONTROL OF SULFUR OXIDE EMISSIONS FROM COMBINED
ZINC/LEAD SMELTER OPERATIONS

SECTION 1

(2.0) PURPOSE

The purpose of this Regulation is to establish a program whereby operators of zinc/lead smelters will take steps to immediately improve air quality in the area surrounding such smelters and attain compliance by July 31, 1977 with all Primary Sulfur Dioxide Ambient Air Quality Standards, and by July 31, 1978 for the Three-Hour Secondary Ambient Air Quality Standard.

SECTION 2

(51.11) Control of Fugitive Sulfur Dioxide Emissions

- (1) The owner(s) or operator(s) of combined zinc/lead smelters located in the Eastern Washington - Northern Idaho Interstate Air Quality Control Region shall utilize best engineering techniques to capture and vent fugitive SO₂ emissions through stack or stacks. Such techniques shall include but not be limited to:
 - (i) Maintaining and operating all ducts, flues, and stacks in a leak-free condition.
 - (ii) Maintaining and operating all process equipment and gas collection systems in such a fashion that leakage of SO₂ gases will be prevented to the maximum extent possible.
 - (iii) Wherever possible, using gas collection systems and/or ducting emissions through the tallest stack or stacks serving the facility.
- (2)
 - (i) Compliance with Paragraph (1)(i) and (ii) of this Section shall be achieved as expeditiously as practicable but not later than 6 months following date of adoption of this Regulation.
 - (ii) The owner(s) or operator(s) of combined zinc/lead smelters shall submit to the Director, no later than thirty (30) days following the date of final adoption by the Board of Health and Welfare, a proposed compliance schedule for compliance with Section II(1)(iii). No such compliance schedule may provide for final compliance after July 31, 1977. If approved by the Director, such schedule shall satisfy the requirements of this Paragraph.

SECTION 3

(51.11) Permanent Control of Sulfur Dioxide Emissions

- (1) The owner(s) or operator(s) of combined zinc/lead smelters in the Eastern Washington - Northern Idaho Interstate Air Quality Control Region shall comply with all the requirements of this Section, except as provided in Section IV of this Regulation.
- (2) The owner(s) or operator(s) of the combined zinc/lead smelters shall not discharge or cause the discharge of SO_2 into the atmosphere in excess of 1900 pounds per hour - maximum 1 hour average. Such limitation shall apply to the sum total of SO_2 emissions from the combined zinc/lead smelter premises, but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation. Compliance with this Paragraph shall be achieved as expeditiously as practicable but not later than July 31, 1977.
- (3) The owner(s) or operator(s) of the combined zinc/lead smelter shall provide interim measures of control, including but not limited to, use of existing SO_2 control system and the application of supplemental control systems, together with an adequate ambient air and meteorological monitoring network.
- (4) (i) The owner(s) or operator(s) of the combined zinc/lead smelter shall comply with the compliance schedule specified below:
 - (a) Effective immediately, apply supplemental control systems and other appropriate interim measures to reduce, to the greatest extent practicable, ground level ambient SO_2 concentrations.
 - (b) Effective immediately, limit the discharge of SO_2 into the atmosphere by utilizing to the maximum extent practicable all existing sulfuric acid plant controls for both the lead and zinc plants.
 - (c) Thirty (30) days after adoption of this Regulation, submit a final plan to the Director for meeting the requirements of Paragraph (2) of this Section. Such plan shall be subject to approval by the Director.
 - (d) July 31, 1975 - Limit SO_2 discharge to a maximum of 1200 tons per any consecutive 7 day period (midnight to midnight). Such limitation shall apply to the sum total of SO_2 emissions from the combined zinc/lead smelter premises, but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation, as measured by the methods specified in Paragraph (6) of this Section. The procedure used to determine the

total emissions for a 7 day period shall be as defined in Section IV (6)(i).

- (e) Let contracts or issue purchase orders for emission control systems and/or process modifications by July 1, 1975.
- (f) Initiate on-site construction and/or installation of emission control equipment or process change by September 1, 1976.
- (g) Complete on-site construction and/or installation of emission control systems or process change by July 1, 1977.
- (h) July 31, 1977 - Achieve final compliance with the requirements of paragraph (2) of this Section.
- (ii) The owner(s) or operator(s) of the combined zinc/lead smelter shall certify to the Director within fifteen (15) days after the deadline for each increment of progress, whether or not the required increment of progress has been met.
- (iii) If a performance test is necessary to determine whether compliance has been achieved, such a test must be completed by the final compliance dates listed in III(4)(i). Notice must be given to the Director at least ten days prior to such a test to afford him the opportunity to have an observer present.
- (iv) If the owner(s) or operator(s) of the combined zinc/lead smelter are presently in compliance with the requirements of Paragraph (2) of this Section or achieve compliance prior to July 31, 1977, such compliance shall be to the Director within thirty (30) days following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare or within thirty (30) days of achieving compliance. If such certification is acceptable to the Director, the applicable requirements of this Paragraph shall not apply to the certified sources. The Director may request whatever supporting information he considers necessary to determine the validity of the certification.
- (v) The owner(s) or operator(s) of the combined zinc/lead smelter may submit to the Director, no later than thirty (30) days following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare, a proposed alternate compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1977. If approved by the Director, such schedule shall satisfy the compliance schedule requirements of this Paragraph.

- (5) The owner(s) or operator(s) of the combined zinc/lead smelter shall install, calibrate, maintain and operate measurement system(s) for continuously monitoring and recording SO₂ emission rates in each stack capable of emitting greater than 50 tons SO₂/ year.
- (i) These measurement system(s) shall be demonstrated in accordance with the specification test procedures prescribed by the Director.
 - (ii) These measurement system(s) installed and used pursuant to this Paragraph shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Director upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.
 - (iii) The owner(s) or operator(s) of the combined zinc/lead smelter shall maintain a record of all measurements required by this Paragraph. For each day, beginning at midnight, one hour average SO₂ emission rates shall be calculated per the method specified in Paragraph (6) of this Section. The results of these calculations for each month shall be submitted to the Director within 15 days following the end of each month. The records of such measurements shall be retained for a minimum of two years following the date of such measurements.
 - (iv) The continuous monitoring and record keeping requirements of this Paragraph shall become applicable nine months following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare.
- (6) Compliance with the requirements set forth in Paragraph (2) of this Section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of Paragraph (5) of this Section.
- (i) For each stack equipped with the measurement systems required by Paragraph (5) of this Section, one-hour average SO₂ emission rates shall be calculated as follows:
 - (a) Determine SO₂ concentration and stack gas flow rate measurements for each one-hour period. These measurements may be obtained either by continuous integration of SO₂ concentrations and stack gas flow rate measurements recorded during the one-hour period or from the arithmetic averaged of any reasonable number of SO₂ concentrations and stack gas flow rate measurements. These measurements shall be taken for each

one-hour period and shall be similarly spaced within each one-hour period.

- (b) For the one-hour period, calculate the arithmetic average SO₂ emission rate (expressed in lbs. SO₂/hour for each stack). Total the average SO₂ emission rates for all stacks.
- (ii) A violation of the requirements of Paragraph III (2) shall occur whenever the total SO₂ emission rate for a one-hour period calculated per Paragraph (6)(i)(b) of this Section exceeds the SO₂ emission rate specified in Paragraph (2) of this Section.

SECTION 4

(51.11) Alternate Control of Sulfur Dioxide Emission

- (1) The owner(s) or operator(s) of any combined zinc/lead smelters located in the Eastern Washington - Northern Idaho Intrastate Air Quality Control Region may apply to the Director for approval to meet the requirements of this Section. Upon such approval, granted pursuant to Paragraph (3) of this Section, the requirements of Section III shall not be applicable and all requirements of this Section shall apply during the period of such approval.
- (2) All terms used in this Section but not specifically defined below shall have the meaning given them in Regulation A.
 - (i) The term "supplementary control system" (hereinafter referred to as SCS) means any system which limits the amount of pollutant emissions during periods when meteorological conditions conducive to ground-level concentrations in excess of national ambient air quality standards for SO₂ exist or are anticipated.
 - (ii) The term "isolated source" means a source that can and will assume legal responsibility for all violations of any applicable standards in its designated liability area, as specified in Paragraph (10) of this Section.
- (3) (i) The application for permission to comply with this Section shall be submitted to the Director no later than 15 days following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare and shall include the following:
 - (a) A short description of the type and location of the combined zinc/lead smelter complex; the processes, equipment, raw materials and fuel used; the stacks employed; and emissions to the atmosphere from various points on the combined zinc/lead smelter premises.

- (b) A general description of the topography and the location of the combined zinc/lead smelter and of any other SO_2 sources within the vicinity of the combined zinc/lead smelter as well as a program of study which will determine what effect these sources may have on ambient air quality.
- (c) A summary of any ambient air quality data collected in the vicinity of the combined zinc/lead smelter that the owner or operator may have.
- (d) A description of the methods of constant emission reduction that are or will be applied and the degree of emission reduction and the dates for such reduction which are achieved or expected to be achieved due to their application.
- (e) A description of the investigations that the owner or operator has made, and the result thereof, as to the availability of constant emission reduction methods and a discussion of the reasons why any potential available methods cannot reasonably be used.
- (f) A specific description of the research, investigations, or demonstrations that the owner or operator will conduct or support for the purpose of developing constant emission reduction technology applicable to the combined zinc/lead smelter. Such description shall include the resources to be committed and qualifications of the participants and a description of the facilities to be utilized.
- (g) A description of the other measures the owner or operator will apply, in addition to those described in IV(3)(i)(d), to provide for attainment and maintenance of national ambient air quality standards. In addition to supplementary control systems, such measures may include but not be limited to tall stacks; permanent production curtailment; and/or process changes.
- (h) A demonstration that the combined zinc/lead smelter complex qualifies as an isolated source.
- (i) A demonstration to the satisfaction of the Director that the Company will accept responsibility for any violation of the 24-hour ambient air quality standard for SO_2 that occurs after July 31, 1977, the primary annual ambient air quality standard for SO_2 after July 31, 1977, as well as the three-hour ambient air quality standard for SO_2 after July 31, 1978 in the designated liability area.

The owner(s) or operator(s) of the combined zinc/lead smelter shall also demonstrate to the satisfaction of the Director that the Company will accept responsibility for violating ambient air concentrations exceeding those designated in Figure I for the time period beginning July 31, 1975 through July 31, 1977. The "Annual Production Rate" in Figure I is defined as the total production of soft lead in the preceding 12 month period. Should the blast furnace and sinter machine be shut down simultaneously for N number of days (Where N equals five or more consecutive days), then the "Annual Production Rate" shall be defined as:

$$\text{(Total production of soft lead in preceding 12 month period)} \times \frac{356}{365-N}$$

The "Annual Average Sinter Production Rate" in Figure I is defined as the total production of sinter in the preceding 12 month period, divided by the total operating time of the sinter machine during that same 12 month period. At the end of each month, a new "Annual Production Rate" and an "Annual Average Sinter Production Rate" shall be calculated by the owner(s) or operator(s) of the combined zinc/lead smelter. These calculations shall be included in the monthly report that is submitted to the Director pursuant to Section IV(12)(i)(c). The new production rate figures shall be used to determine what ambient air concentration limit must be met during the following month. The new limits shall go into effect on the 15th of each month and continue through the 14th of the following month. This monthly review of the production rates shall constitute a change to the operating manual if a different level of ambient air concentration is specified by Figure I.

- (j) The owner(s) or operator(s) of the combined zinc/lead smelter shall indicate that they will:
 - (i) Immediately begin to test a supplementary control system to determine the effectiveness of the system to meet the 24-hour standards defined in IV (3)(i)(i).
 - (ii) Immediately prepare to conduct a test program beginning no later than January 21, 1975 and ending no earlier than May 21, 1975.
 - (iii) Submit, as a minimum, a report summarizing results obtained from the testing program during the period of January 21, 1975 to May 21, 1975.

Such report shall be submitted to the Director no later than June 1, 1975.

- (iv) Such report shall evaluate the reliability of the plan submitted pursuant to Paragraph (9) of this Section and designate the appropriate changes to this plan to ensure achievement of ambient air quality standards as specified in subparagraph (3)(i)(i), above.
- (k) Such other pertinent information as the Director may require.
- (3) (ii) Upon receipt of the information specified in Section IV (3)(i), and a determination of its adequacy, the Director may after 30 days notice, conduct a Public Hearing on the application submitted by the owner(s) or operators(s). The Director shall make available to the public, the information contained in the application and his preliminary evaluation and findings thereon. Within 30 days after receipt of the information or after a hearing, the Director will notify the owner(s) or operator(s) of the zinc/lead smelter and other interested parties of his decision as to whether to grant or deny the application. If denied, he will set forth his reasons and shall specify that Section III is applicable. If the application is approved, the owner or operator shall comply with all the provisions of this Section of this Regulation and need not comply with the provisions of Section III of this Regulation except as specified in Section IV, Paragraph 15 of this Regulation.
- (8) The owner(s) or operator(s) of the combined zinc/lead smelter, in meeting the requirements of Paragraph (4) of this Section, shall employ SCS and such other additional control measures as may be necessary to assure the attainment and maintenance of ambient air quality standards for SO₂ by the dates set forth in Paragraph (3)(i)(i) of this Section.
 - (i) In addition to SCS, such measures may include, but not limited to, the following techniques: process changes; tall stacks; production reduction; or any other techniques approved by the Director.
 - (ii) SO₂ emission shall be curtailed in accordance with the operating manual whenever the potential for violating any ambient air quality standard for SO₂ (as specified in Paragraph (3)(i)(i) of this Section) is indicated at any point in a designated liability area by air quality measurements and/or air quality predictions.

- (9) The owner(s) or operator(s) of the combined zinc/lead smelter shall submit to the Director, no later than January 21, 1975, a plan for implementing SCS. Such plan shall be subject to the Director's approval and, as a minimum shall:
- (i) Describe and substantiate the emission monitoring system and the air quality monitoring network that will be used in the SCS.
 - (ii) Describe and substantiate the meteorological sensing network and the meteorological prediction program that will be used in the SCS.
 - (iii) Identify the frequency, characteristics, times of occurrence and durations of meteorological conditions associated with high ground-level ambient concentrations.
 - (iv) Describe the methodology (e.g., dispersion modeling and measured air quality data) by which the source determines the degree of control needed under each meteorological situation.
 - (v) Describe the methods chosen to vary the emission rate, the basis for the choice, and the time required to effect a sufficient reduction in the emission rate to avoid violations of ambient air quality standards as specified in Paragraph (3)(i)(i) of this Section.
 - (vi) Contain an estimate of the frequency that emission rate reduction is required to prevent ambient air quality standards (as defined in Paragraph (3)(i)(i) of this Section) from being exceeded and the basis for the above estimate.
 - (vii) Include data and available results from objective reliability tests. "Reliability" as the term is applied here, refers to the ability of the supplementary control system to protect against violations of the ambient air quality standards specified in Paragraph (3)(i)(i) of this Section.
 - (viii) Describe a program whereby the owner(s) or operator(s) systematically evaluates and improves the reliability of the supplementary control system.
 - (ix) Identify a responsible and knowledgeable person (and alternatives) on site who is authorized to curtail emission and a person who can apprise the Director as to the status of the supplementary control system at any time.
 - (x) Declare that the owner(s) or operator(s) assumes responsibility by the dates specified in Paragraph (3)(i)(i) of this Section for all ground-level ambient sulfur dioxide concentrations which exceed the ambient air quality standards

specified in Paragraph (3)(i)(i) of this Section in the designated liability area defined in Paragraph (10) of this Section.

- (xi) Include an affidavit signed by a responsible company official stating that the owner(s) or operator(s) of the combined zinc/lead smelter will accept responsibility for any violation of the SO₂ ambient air quality standards as specified in Paragraph (3)(i)(i) of this Section in the designated liability area.
- (10) (i) For the purpose of this Section, the designated liability area shall be a circle with a radius of 10 statute miles (16 kilometers) with the center point of such circle coinciding with the main stack serving the zinc plant. The owner(s) or operator(s) of the combined zinc/lead smelter may submit a detailed report which justifies redefining the designated liability with the application submitted pursuant to Paragraph (3) of this Section and describe and delineate the recommended designated liability area and discuss in detail the method used and the factors taken into account in the development of such area. Upon receipt and evaluation of such report, the Director shall issue his final determination on the extent of the designated liability area.
- (ii) If new information becomes available which demonstrates that the designated liability area should be redefined, the Director shall consider such information and if appropriate, redefine the designated liability area.
- (11) The owner(s) or operator(s) of the combined zinc/lead smelter shall submit to the Director an operational manual for SCS. Such manual shall be submitted no later than June 1, 1975 and is subject to the approval of the Director. "Such a manual shall:"
- (i) Specify the number, type, and location of ambient air quality monitors, in-stack monitors and meteorological instruments to be used.
 - (ii) Describe techniques, methods, and criteria used to anticipate the onset of meteorological situations associated with ground-level concentrations in excess of national ambient air quality standards defined in Figure I, and to systematically evaluate and, as needed, improve the reliability of the supplementary control system.
 - (iii) Describe the criteria and procedures that will be used to determine the degree of control needed for each class of meteorological and air quality situation.

- (iv) Identify the frequency, characteristics, times of occurrence and duration of meteorological conditions associated with probable high ground-level ambient concentrations. Describe the methodology by which the source determines the degree of control needed under each meteorological situation, specifically the maximum emission rates which may prevail under each of these meteorological and air quality situations in order to prevent a violation of an ambient air quality standard, as defined by Paragraph (3)(i)(i) of this Section, in the designated liability area. Such emission rates shall be determined by in-stack monitors and shall be the basis for determining whether provisions of the approved operational manual are adhered to.
 - (v) Describe specific actions that will be taken to adjust emission rates to those levels specified per the requirements of Section 4 (11)(iv).
 - (vi) Identify the company personnel responsible for initiating and supervising the actions that will be taken to curtail emissions. Such personnel must be responsible, knowledgeable and able to apprise the Director as to the status of the supplementary control system at any time the source is operating.
 - (vii) Be modified, subject to approval by the Director, upon request of the owner or operator of the smelter or, after appropriate negotiation, by the Director.
- (12) (i) The owner(s) or operator(s) of the combined zinc/lead smelter shall:
- (a) Maintain, in a useable manner, records of all measurements and reports prepared as part of the approved supplemental control system. Such reports shall be retained for at least two years.
 - (b) Submit to the Director, on a monthly basis, all hourly measurements made of air quality and all other requested measurements that are a part of the approved supplementary control system. These reporting requirements are in addition to those specified in Paragraph (7) of this Section.
 - (c) Submit to the Director a monthly summary report describing and analyzing how the SCS operated as related to the SCS approved by the Director. Such report shall describe how the system will be improved, if necessary, to prevent violations of the ambient air quality standards as defined by Paragraph (3)(i)(i) of this Section for SO₂ or to prevent any other conditions which are not in accordance with the SCS

approved by the Director. Such report shall include a monthly summary indicating all dates and times when an ambient air quality standard for SO₂ was exceeded (as defined by Paragraph (3)(i)(i) of this Section) and the concentration of SO₂ at such times when SCS was not operated in accordance with the operating manual.

- (ii) The requirements of this Paragraph shall become applicable nine months after the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare.
- (13) (i) The owner(s) or operator(s) of the combined zinc/lead smelter shall document and submit to the Director no later than 180 days following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare, a detailed description of the company's research and demonstration program or its participation in such program, to develop and apply appropriate permanent emission reduction technology capable of limiting SO₂ emission rates to 1900 lbs/hour. Such description must include schedules and resources to be committed, and the earliest anticipated dates when adequate emission reduction technology can be applied to the source.
- (ii) The owner(s) or operator(s) of the combined zinc/lead smelter shall submit annual reports on the progress of the research and development program required by this Paragraph. Each report shall include, but not be limited to, a description of the projects underway, information on the qualification of the personnel involved, information on the funds and manpower that have been committed, and an estimated date for the installation of the constant emission reduction technology necessary to attain and maintain the primary and secondary national ambient air quality standards.
- (14) (i) The Director shall annually review the SCS and shall deny continued use of Section 4 of this Regulation if he determines that:
- (a) The owner(s) or operator(s) of the combined zinc/lead smelter fail to: Utilize an adequate number of trained competent personnel as specified in the operating manual; or maintain, operate, and calibrate the monitoring equipment properly; or refine and continuously validate and upgrade the response of the SCS to adverse dispersion conditions as may be necessary to prevent violations of ambient air quality standards as defined by Paragraph (3)(i)(i) of this Section; or reduce the emission rate in accordance with stipulated control criteria in the approved

operational manual in order to prevent violations of the ambient air quality standards for SO₂; or submit all information required by this Section.

- (b) The Director determines that the review indicates that permanent emission control technology has become available, that continued relative isolation of the facility has changed, or that other factors which may bear on the conditions for use of an SCS have changed to the extent that continued use of the SCS would no longer be deemed approvable within the intent of Paragraph (3) of this Section; or
 - (c) The owner(s) or operator(s) of the combined zinc/lead smelter have not demonstrated good faith efforts to follow the stated program for developing constant emission reduction procedures; or
 - (d) The owner(s) or operator(s) of the combined zinc/lead smelter have not adhered to the requirements of any applicable compliance schedule developed pursuant to this Regulation; or
 - (e) The owner(s) or operator(s) of the combined zinc/lead smelter have not developed and employed a control program that is effective in preventing violations of the ambient air quality standards as defined by Paragraph (3)(i)(i) of this Section.
- (ii) Prior to denying the continued use of a SCS pursuant to subparagraph (i) of this Paragraph, the Director shall notify the owner(s) or operator(s) of the combined zinc/lead smelter of his intent to deny continued use, together with:
 - (a) The information and findings on which such intended denial is based, and
 - (b) Notice of opportunity for such owner(s) or operator(s) to present within 30 days, additional information or arguments to the Director prior of his final determination.
 - (iii) The Director shall make his final determination known in not more than 60 days or less than 30 days after he has sent notification of intent to deny the continued use of an SCS pursuant to subparagraph (ii) of this Paragraph. If the continued use of the SCS is denied, the final determination shall set forth the specific grounds for such denial.
- (15) Upon denial of the use of a SCS pursuant to Paragraph (14) of this Section, all the requirements of Section 3 of this Regulation

shall be immediately applicable to the owner(s) or operator(s) of the combined zinc/lead smelter and compliance therewith shall be achieved in such reasonable times as the Director shall prescribe.

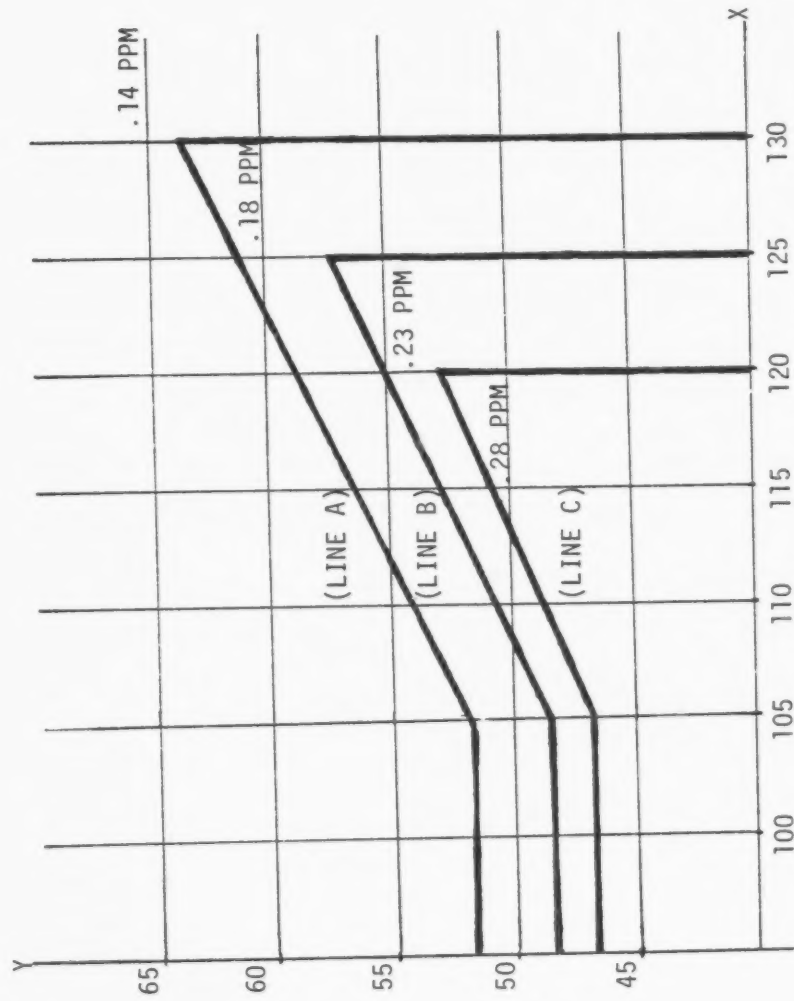
- (16) (i) The owner(s) or operator(s) of the combined zinc/lead smelter shall comply with the compliance schedule specified below for implementing the requirements of this Section.
- (a) Effective immediately, limit the discharge of SO₂ into the atmosphere by utilizing to the maximum extent practicable all existing sulfuric acid plant controls for both the lead and zinc plants.
 - (b) Within 15 days following the date of adoption of these requirements as a final Regulation by the Board of Health and Welfare, submit to the Director an application for permission to comply in accordance with Paragraph (3) of this Section.
 - (c) By January 21, 1975, submit to the Director, a detailed plan for establishment and implementation of the supplementary control system in accordance with Paragraph (9) of this Section.
 - (d) June 1, 1975 - Submit to the Director the comprehensive test report on the supplementary control system required by Paragraph (3)(i)(i) of this Section.
 - (e) By June 1, 1975 - Let contracts or issue purchase orders for any stack extensions, emission and ambient air quality monitors, meteorological instruments, and other component parts necessary to complete the supplementary control system.
 - (f) June 1, 1975 - Submit to the Director for his approval, the operational manual required by Paragraph (11) of this Section.
 - (g) By June 1, 1975 - Complete installation of air quality and emission monitors and meteorological equipment necessary to complete the SCS.
 - (h) July 31, 1975 - Achieve compliance with the emission limitation requirements of Paragraph (4) of this Section.
 - (i) July 31, 1975 - Certify measurement systems and commence reporting as required by Paragraphs (7) and (12) of this Section.
 - (j) July 31, 1975 - Assume responsibility for all violations of the ambient air quality standards as defined by Figure I in the designated liability area.

- (k) July 31, 1977 - Assume responsibility for all violations of the 24-hour primary air quality standard for sulfur dioxide in the designated liability area.
- (l) July 31, 1978 - Assume responsibility for all violations of the three-hour secondary ambient air quality standard for sulfur dioxide in the designated liability area.
- (m) July 31, 1977 - Assume responsibility for all violations of the annual primary ambient air quality standard for sulfur dioxide in the designated liability area.
- (ii) The owner(s) or operator(s) of the combined zinc/lead smelter shall certify to the Director within (15) days after the deadline for each increment of progress, whether or not the required increment of progress has been met.
- (iii) If a performance test is deemed necessary by the Director in order to determine whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable compliance schedule. Notice must be given to the Director at least ten days prior to such a test to afford him the opportunity to have an observer present.
- (iv) If the owner(s) or operator(s) of the combined zinc/lead smelter are presently in compliance with any of the increments of progress set forth in the Paragraph such owner(s) or operator(s) shall certify such compliance to the Director within 30 days of the effective date of this Section. The Director may request whatever supporting information he considers necessary to determine the validity of the certification.
- (v) The owner(s) or operator(s) of the combined zinc/lead smelter may submit to the Director, a proposed alternative compliance schedule. Each such proposed compliance schedule shall be submitted with the application submitted pursuant to Paragraph (3)(i) of this Section. No such compliance schedule may provide for final compliance after July 31, 1977. If approved by the Director, such schedule shall replace the compliance schedule set forth in this Paragraph.
- (vi) If, in the opinion of the Director, any promulgated or approved alternate compliance schedule or increment of progress is not appropriate for effectively supervising progress toward final compliance by the combined zinc/lead smelter, he may prescribe other such schedules and increments.

FIGURE 1

INTERIM 24-HOUR AMBIENT AIR QUALITY STANDARDS

Line A: $Y = (X \times 1000) \times (2.94) \div (6008 \text{ hrs})$ for $105 \leq X \leq 130$
 Line B: $Y = (X \times 1000) \times (2.94) \div (6440 \text{ hrs})$ for $105 \leq X \leq 125$
 Line C: $Y = (X \times 1000) \times (2.94) \div (6633 \text{ hrs})$ for $105 \leq X \leq 120$



X = ANNUAL PRODUCTION RATE OF SOFT CAST LEAD IN THOUSANDS TONS
 (One ton of soft cast lead = 2.94 tons sinter)

Y = ANNUAL AVERAGE SINTER PRODUCT PRODUCTION RATE
 Tons/Hour (Total Tonnage $\div$ Machine Operation Time)

T. AIR POLLUTION SOURCE PERMITS

LEGAL AUTHORITY

Pursuant to authority granted in Section 39-115, Idaho Code, the Board of Environmental and Community Services hereby adopts the following Regulation for issuing Air Pollution Source Permits; and declares the effective date of this Regulation to be July 1, 1974.

SECTION 1

(1.0) DEFINITIONS

- EEE Permittee - any person or other legal entity which is legally responsible for a source of air contamination of the atmosphere.
- FFF Air Pollution Source Permit - a final order issued by the Department which contains specific emission limits and standards for a source in accordance with environmental laws, rules, regulations, and standards of the State of Idaho.
- GGG Board - Idaho Board of Health and Welfare.
- HHH Director - the Director of the Department of Health and Welfare.
- III Notice - defined by Idaho Code.
- JJJ Department - Idaho Department of Health and Welfare.

SECTION 2

(2.0) PURPOSE

The purpose of this regulation is to establish uniform procedures for obtaining an Air Pollution Source Permit. The Air Pollution Source Permit establishes specific standards and limits prescribing the type and quantity of air contaminant a Source is allowed to emit into the atmosphere. These limits shall be consistent with all applicable regulations, or may be more restrictive should source density or other physical conditions require such action. This Permit shall provide, where appropriate, an interim schedule of compliance for those sources which may not be in compliance at the time of issuance.

SECTION 3

(3.0) PROCEDURE FOR ISSUING PERMIT

- A. When the Director believes that any source is emitting or discharging any air contaminant for which an environmental statute, rule, regulation or standard applies, he may:

1. Send a notification, by Registered Mail, to the permittee of that source.
 - a. The notification shall state the applicable statute, rule, regulation or standard with which the source must be in compliance and,
 - b. State that a hearing will be set, if requested by the permittee within 10 days of receipt of the notification, to consider the applicability of any standards or limits set by the Permit, and
 - c. Said notification shall state emission limits and any required action, with corresponding dates, which must be taken by the source in order to achieve or maintain compliance with all statutes, rules, regulations or standards.
 - d. In the event the permittee does not request a hearing as provided above and the Department does not wish to hold a hearing, then 30 days after receipt of said notification, the proposed air pollution source permit becomes the final air pollution source permit and shall operate as a final order by the Department.
 - e. If a hearing is held, the Director will render a final decision upon the Permit within 30 days after the hearing. At this time, the Director may adopt the entire Permit as originally proposed, and part thereof, or a modified Permit.
2. The Director may amend the Air Pollution Source Permit after issuance to require more restrictive limitations in the event violations continue to exist or more restrictive standards are promulgated by the Board. Amendments shall be made consistent with procedures established in Section 3. A. 1. of these regulations.
3. In the event a permittee cannot meet the requirements of this Permit and the permittee shows a good faith attempt to comply, the Director may, at his sole discretion, adjust the Permit as the equities of the case indicate; provided however, that the permittee's lack of financial resources alone shall not be sufficient reason to adjust any action or limitation. This will be done in accordance with the variance procedure outlined in Regulation A, Section 6.
4. The period of time during which the permit applies shall be determined by the Director and shall appear on the notice.
5. When a single site includes more than one source of air contaminant, a single Permit may be issued including all

sources located at the site. Such Permit shall separately identify each air contaminant source to which the Permit applies. When a single air contaminant source which is included in a multiple-source permit is subject to permit modification, revocation, suspension or denial, such action by the Department shall only affect that individual source without thereby affecting any other source subject to that permit.

6. No person shall construct, install, establish, modify or enlarge any air contaminant source or facilities for controlling, treating, or otherwise limiting air contaminant emissions from air contaminant sources listed in the Air Pollution Source Permit without notifying the Department as required by Regulation A, Section 3-B, Rules and Regulations for the Control of Air Pollution in Idaho.
7. The procedure for issuing an Air Pollution Source Permit shall be consistent with that described in the Administrative Procedure Act for a contested case and the permittee shall be accorded all applicable rights.
8. An Air Pollution Source Permit when issued and effective shall become a final order of the Department and be enforceable in the Courts of Law of the State of Idaho without further administrative proceeding. Whenever an Air Pollution Source Permit becomes a final order of the Department, the permittee shall operate solely within the terms of the permit. Any non-conforming activity shall constitute a violation of the permit and shall be subject to appropriate civil and criminal sanctions available to the Department.
9. The permittee shall provide any and all information requested by the Department to prepare the terms of the permit. Failure to provide requested information or falsification that information shall constitute a violation of these regulations and shall be punishable by appropriate criminal or civil sanctions.

FEDERALLY PROMULGATED
REGULATIONS

(50.2) 52.675 Control Strategy: Sulfur oxides--Eastern Idaho Intrastate Air Quality Control Region.

- (a) Regulation R of the Rules and Regulations for the Control of Air Pollution in Idaho, which is part of the sulfur dioxide (SO_2) control strategy, is disapproved since it is inconsistent with the purposes and provisions of 51.13. These requirements are not met by Regulation R in that the SO_2 national ambient air quality standards (NAAQS).
- (b) Regulation for control of sulfur dioxide (SO_2) emissions: Sulfuric Acid Plants.
 - (1) The provisions of this paragraph shall apply to the owner(s) and operator(s) of The J. R. Simplot Company's Minerals and Chemical Division, located in Power County, Idaho, in the Eastern Idaho Intrastate Air Quality Control Region.
 - (2) The owner(s) or operator(s) of The J. R. Simplot Company facility shall utilize best engineering techniques in the operation of their plant to prevent fugitive SO_2 losses. Such techniques shall include but are not limited to:
 - (i) Operating and maintaining all conduits, flues, and stacks in a leakfree condition.
 - (ii) Operating and maintaining all process equipment and gas in such a fashion that leakage of SO_2 gases will be prevented to the maximum extent possible.
 - (3) The owner(s) and operator(s) of The J. R. Simplot Company facility shall limit SO_2 emissions from their sulfuric acid plants per the following:
 - (i) The combined SO_2 emissions from the designated #100 and #200 sulfuric acid plants shall not exceed 2 kilograms (kg) per metric ton (4 pounds per ton) of 100 percent sulfuric acid produced.
 - (ii) The SO_2 emissions from the designated #300 sulfuric acid plant and stack shall not exceed 994 kg per hour (2190 pounds per hour).
 - (4) (i) The owner(s) and operator(s) of The J. R. Simplot Company shall achieve compliance with the requirements specified in paragraphs (b)(2) and (b)(3) of this section in accordance with the following schedule:
 - (A) Advise EPA as to status of contract(s) and construction schedules for pollution abatement

projects within 30 days of the effective date of this regulation.

(B) Attain final compliance by July 31, 1976.

- (ii) A performance test of the #300 acid plant shall be necessary to determine whether compliance has been achieved with the requirements of paragraph (b)(3) of this section. Such test must be completed within 15 days of the final compliance date specified in paragraph (b)(4)(i) of this section. Notice must be given to the Administrator at least 10 days prior to such a test to afford him an opportunity to have an observer present.
 - (iii) Within 60 days after achieving the maximum production rate at which the #100 and #200 acid plant will be operated, but not later than 180 days after initial start-up of these plants and at such other times as may be required by the Administrator under Section 114 of the Clean Air Act, the owner(s) and operator(s) of the facility shall conduct performance test(s) in accordance with the requirements of 40 CFR 60.8.
 - (iv) If the owner(s) and operator(s) of The J. R. Simplot Company facility are presently in compliance with the requirements of paragraph (b)(2) and (b)(3) of this section or in compliance with a portion of these requirements, such compliance shall be certified to the Administrator within 15 days following the date of these requirements as a final regulation in the FEDERAL REGISTER. If the owner(s) or operator(s) of The J. R. Simplot Company achieve compliance prior to July 31, 1976, such compliance shall be certified to the Administrator within 15 days of the date of achieving compliance. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.
- (5) (i) By no later than September 30, 1976, the owner(s) and operator(s) of The J. R. Simplot Company facility shall install, calibrate, maintain and operate measurement system(s) for:
- (A) Continuously monitoring and recording SO₂ concentration rates in each sulfuric acid plant discharge stack per the requirements of 40 CFR 60.13 and 60.84.
 - (B) Continuously monitoring and recording gas volumetric flow rates in the exhaust stack of the designated #300 sulfuric acid plant.

- (ii) By no later than October 30, 1976, and at such other times following that date as the Administrator may specify, the SO₂ concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 60.13 and Appendix E to this part, respectively. The Administrator shall be notified at least 10 days prior to the start of this field test period to afford the Administrator the opportunity to have an observer present.
- (iii) The sampling point for monitoring the concentration of SO₂ emissions shall be in the duct at the centroid of the cross section of the discharge stack if the cross sectional area is less than 4.65 m² (50 ft²) or at a point no closer to the wall than 0.91 m (3 ft) if the cross sectional area is 4.65² (50 ft²) or more. The monitor sample point shall be representative of the average concentration in the duct.
- (iv) The measurement system(s) shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Administrator upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.
- (v) The owner(s) and operator(s) of The J. R. Simplot Company facility shall maintain a daily record of three hour average emission rate measurements for each sulfuric acid plant. Three hour average emission rates shall be calculated for each day beginning at midnight. For the #100 and #200 acid plants, the calculations shall be in conformance with 40 CFR 60.84. For the #300 acid plant, average SO₂ emission rates expressed in kg SO₂ per hour shall be calculated. The results of these calculations for each month shall be submitted to the Administrator within 15 days following the end of each month. Such submission shall identify each period of excess emission that occurred and the nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted. The records of such measurements including strip charts and other appropriate raw data shall be retained for a minimum of two years following the date of such measurements.
- (vi) The continuous monitoring and recordkeeping requirements of paragraph (b)(5) of this section shall become applicable September 30, 1976.

- (6) (i) Compliance with the requirements set forth in paragraph (b)(3) of this section shall be determined using the emission rates measured by the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (b)(5) of this section.
 - (ii) At the Administrator's discretion, compliance may also be determined using the manual source test methods per 40 CFR 60.85 and Appendix A to Part 60 of this Title. Emission rates for each stack shall be expressed in units consistent with those in paragraph (b)(3) of this section.
 - (iii) A violation of the requirements of paragraph (b)(3) of this section shall occur whenever the SO₂ emission rates determined according to paragraph (b)(6)(i) or (b)(6)(ii) of this section exceed the corresponding SO₂ emission rates specified in paragraph (b)(3) of this section.
- (7) The owner(s) and operator(s) of The J. R. Simplot Company facility shall by September 30, 1976, install, calibrate, maintain and operate a network for continuously monitoring ground level ambient SO₂ concentrations and wind speed and direction.
- (i) The monitoring network shall consist of at least four ambient SO₂ monitoring stations and one meteorological station placed at locations approved by the Administrator.
 - (ii) The SO₂ monitoring network shall be consistent with automated equivalent methods for measurement of ambient concentrations of SO₂ as defined in Part 53 of this chapter.
 - (iii) The monitoring network installed and used pursuant to this subparagraph shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Administrator upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.
 - (iv) The owner(s) and operator(s) of The J. R. Simplot Company facility shall maintain a daily record of all measurements required by this subparagraph. Strip charts and other raw data from the monitoring network shall be retained for a minimum of two years following the date of such measurement.

- (v) The owner(s) and operator(s) of The J. R. Simplot Company shall calculate hourly average ambient SO₂ concentrations, wind speed, and wind direction from each monitoring station and submit such values to the Administrator within 15 days following the end of each month.
- (vi) The continuous monitoring and recordkeeping requirements of paragraph (b)(7) of this section shall become applicable September 30, 1976 and shall remain applicable until such time as the Administrator declares that an adequate ambient air data base has been established, which shall be no earlier than at least one calendar year.
- (vii) Within 90 days of the Administrator's declaration of an adequate data base, Simplot shall submit to the Administrator a technical analysis of the degree of permanent control required on the #300 acid plant to ensure attainment and maintenance of NAAQS.
- (8) Nothing in paragraph (b) of this section shall be construed to relieve the owner(s) and operator(s) of The J. R. Simplot Company to comply with any applicable requirements of Part 60 of this Title and this paragraph, the more restrictive interpretation or requirement shall apply.
- (9) In the event that measurement systems cannot be installed and operational by the date specified in this section, The J. R. Simplot Company shall propose the earliest possible date by which such requirements can be met. Such proposal shall include adequate justification and supporting documentation.

(50.2) 52.676 Control Strategy: Sulfur oxides--Eastern Washington-Northern Idaho Interstate Region.

- (a) (1) The requirements of 51.13 of this chapter are not met to the extent discussed in paragraph (a)(2) of this section in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region since the plan does not provide for the necessary emission reductions for the attainment and maintenance of the primary and secondary standards for sulfur oxides.
 - (2) Regulation S of the "Rules and Regulations for the Control of Air Pollution in Idaho" is approved with the exception of paragraphs (4), (5), (6), (7), and (17) of section 4 which are disapproved and are replaced by paragraph (b) of this section as shown below. Those paragraphs disapproved by this rulemaking are inconsistent with the purposes and provisions of Section 110 of the Clean Air Act.
- (b) Regulation for control of sulfur dioxide (SO_2) emissions: Zinc/lead smelter complex.
- (1) This section is applicable to any combined zinc/lead smelter in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Region.
 - (i) The owner(s) or operator(s) of the smelter subject to this section shall not cause or allow the discharge of gases into the atmosphere in excess of:
 - (a) 2600 parts per million (by volume) SO_2 -maximum 6-hour average, from any single absorption sulfuric acid producing designed for the removal of SO_2 as determined by the method specified in paragraph (b)(4)(i) or (b)(4)(iii) of this section.
 - (b) 2000 parts per million (by volume) SO_2 -maximum 6-hour average, from the lead main stack system which consists of the lead plant main stack and section 1 and 2 of the lead plant main baghouse. Emission concentration shall be determined by the method specified in paragraph (b)(4)(i) or (b)(4)(iii) of this section.
 - (c) 616,900 Kg (680 tons) SO_2 per 7-consecutive day period (midnight to midnight), as determined by the method specified in paragraph (b)(4)(ii) of this section. Such limitation shall apply to the sum total of SO_2 emissions from the zinc/lead smelter complex but no

uncaptured fugitive emission and those emissions due solely to use of fuel for space heating or steam generation.

- (ii) All SO₂ gas streams discharged from the zinc plant roasters and the strong SO₂ removal facility which meets the requirements of paragraph (b)(1)(i)(a) of this section. The strong SO₂ gas stream from the lead smelter sinter machine is defined as the entire gas stream exhausted from the "strong gas" exit point on the input end of the lead smelter sinter machine.
 - (iii) Gases shall not be combined with those arising from the process(es) served by the stack(s) subject to the limitations in paragraph (b)(1)(i) of this section for the purposes of decreasing the concentration of SO₂ in such stack(s).
- (2) (i) The owner(s) or operator(s) of the smelter subject to this section shall comply with the compliance schedule specified below for implementing the requirements of this paragraph:
- (a) Effective immediately and until July 31, 1977, limit the discharge of SO₂ into the atmosphere as defined by paragraph 4(4) of Regulation S of the "Rules and Regulations for the Control of Air Pollution in Idaho".
 - (b) February 15, 1976--Let contracts of issue purchase orders for any equipment necessary to attain the emission limitations specified in paragraph (b) (1) of this section.
 - (c) June 30, 1976--Initiate on-site construction or installation of emission control equipment or process modification.
 - (d) June 30, 1977--Complete on-site construction or installation of emission control equipment or process modification.
 - (e) July 31, 1977--Achieve full compliance with the emission limitation requirements of paragraph (b) (1) of this section.
 - (f) July 31, 1977--Initiate continuous SO₂ monitoring and record keeping requirements of paragraph (b) (3) of this section.

- (ii) The owner(s) or operator(s) of the smelter subject to this section shall notify the Administrator in writing within 5 days after the deadline of each increment of progress, whether or not the required increment of progress has been met.
 - (iii) Where a performance test is deemed necessary by the Administrator in order to determine whether compliance has been achieved, such a test must be completed by the final compliance date in the applicable compliance schedule. Notice must be given to the administrator at least 2 weeks prior to conducting a performance test to afford him the opportunity to have an observer present.
 - (iv) If the owner(s) or operator(s) of the smelter subject to this section are presently in compliance with any of the increments of progress set forth in this paragraph, such owner(s) or operator(s) shall certify such compliance to the Administrator within 30 days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.
 - (v) The owner(s) or operator(s) of the smelter subject to this section may submit to the Administrator a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance later than July 31, 1977. If approved by the Administrator, such schedule shall replace the compliance schedule set forth in this paragraph.
- (3) The owner(s) or operator(s) of the smelter subject to this section shall install, calibrate, maintain and operate measurement systems for continuously monitoring and recording SO₂ emission concentrations and emission rates in the lead smelter and zinc plant main stacks and in any other stack capable of emitting greater than 45,360 Kg (50 tons) SO₂ per year and in any lead smelter duct which would enable the operator to route strong SO₂ gas streams directly to the atmosphere thereby bypassing around the lead smelter sulfuric acid plant. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of SO₂ concentration and stack gas flow rate from the effluent of each stack in each 15-minute period. Stack tests of sources emitting less than 45,360 Kg (50 tons) SO₂ per year shall be conducted quarterly with the determined emission rate to be used as a fixed emission rate for that quarter.

- (i) By no later than July 31, 1977, and at such other times after that date as the Administrator may specify, the SO₂ concentration measurement system(s) and gas volumetric flow rate system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendices D and E to this part, respectively. The Administrator shall be notified at least 10 days prior to the start of the field test period required in Appendices D and E to this part to afford the Administrator the opportunity to have an observer present.
- (ii) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m² (50 ft.²) or at a point no closer to the wall than 0.914 m (3 ft.) if the cross sectional area is 4.647 m² (50 ft.²) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the average concentration in the duct.
- (iii) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.
- (iv) Six-hour average SO₂ concentrations and emission rates shall be calculated in accordance with paragraph (b) (4) of this section and recorded daily.
- (v) The owner(s) or operator(s) of the smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed in the units prescribed by the emission limitations in paragraph (b)(1) of this section. Six-hour average concentration values calculated pursuant to paragraph (b)(4)(i) and(ii) of this section shall be reported as of each hour for the preceding 6 hours. Seven-day emission rates calculated pursuant to paragraph (b)(4)(i)(ii) of this section shall be reported as of each day (midnight to midnight) for the preceding 7-day period. Any occasion wherein those strong gas streams identified in paragraph (b)(1)(ii) of this section are not processed through an SO₂ removal facility and are routed to the atmosphere shall be recorded. The results shall be summarized monthly

and shall be submitted to the Administrator within 15 days of the end of each month. A record for at least 2 years following the date of such measurement.

- (vi) The continuous monitoring and recordkeeping requirements of paragraph (b)(3) of this section shall become applicable July 31, 1977.
- (4) (i) Compliance with the requirements of paragraph (b)(1)(i)(a) and (b)(1)(i)(b) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (b)(3) of this section. For the stack(s) equipped with the measurement system(s) required by paragraph (b)(3) of this section and subject to the limitations of paragraphs (b)(1)(i)(a) or (b)(1)(i)(b) of this section, a 6-hour average SO_2 concentration shall be calculated as of the end of each clock hour for the preceding 6 hours, in the following manner:
 - (a) Divide each 6-hour period into twenty-four (24) 15-minute segments.
 - (b) Determine on a compatible basis an SO_2 concentration for each 15-minute period. These measurements may be obtained either by continuous integration of all measurements (from the respective affected facility) recorded during the 15-minute period or from the arithmetic average of any number of SO_2 concentration readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.
 - (c) Calculate the arithmetic average of all 24 concentration measurements in each 6-hour period for each attack.
- (ii) Compliance with the requirements of paragraph (b)(1)(i)(c) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (b)(3) of this section. For all stacks equipped with the measurement system(s) required by paragraph (b)(3) of this section, the average SO_2 emission rate for a 7-day period shall be calculated on a daily basis (midnight to midnight) as follows:

- (a) Divide each 6-hour period into twenty-four (24) 15-minute segments.
 - (b) Determine a compatible basis an SO₂ concentration and a stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of SO₂ concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of SO₂ concentration and stack gas flow rate readings equally spaced over the 15-minute period. In the latter case, the number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.
 - (c) Calculate the arithmetic average (pounds SO₂ per hour) of all 24 emission rate measurements in each 6-hour period for each stack.
 - (d) Calculate the SO₂ emission rate for each consecutive 7-day period (midnight to midnight) by summing the twenty-eight (28) 6-hour average SO₂ emission rates for each stack measured over a 7-day period calculated per paragraph (b)(4)(ii) (c) of this section. Add the predetermined constant for all sources under 50 tons SO₂ per year as calculated per paragraph (b)(3) of this section.
- (iii) Notwithstanding the requirements of paragraph (b)(4) (i) of this section, compliance with requirements of paragraph (b)(1)(i)(a) and (b)(1)(i)(b) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For each stack serving any process or any process designed for the removal of SO₂, a 6-hour average SO₂ concentration shall be determined as follows:
- (a) The test of each stack emission concentration shall be conducted while the processing unit(s) vented through such stack are operating at or above the maximum rate at which such unit(s) will be operated and under such other conditions as the Administrator may specify.
 - (b) Concentrations of SO₂ in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide,

as well as isokinetic sampling, may be omitted from the over-all test procedure.

- (c) Three independent sets of measurements of SO_2 concentrations shall be conducted during three 6-hour periods for each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emission from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.
 - (d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each 2-hour test shall be 1.132m^3 (40 ft.³) corrected to standard conditions, dry basis.
 - (e) The velocity of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by using Method 4 except that stack gases arising only from a sulfuric acid production unit may be considered to have a zero moisture content.
 - (f) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point.
 - (g) The SO_2 concentration in parts per million-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 6-hour test periods each consisting of three 1-hour tests.
- (5) The owner(s) or operator(s) of any combined zinc/lead smelter subject to Regulation S of the "Rules and Regulations for the Control of Air Pollution in Idaho" and paragraph (b) of this section shall be in violation of Section 113 of the Clean Air Act and subject to the penalties specified therein if any of the following occur:
- (i) Any increment of the compliance schedule set forth in paragraph (16) of Section 4 of Regulation S is not met by the date specified; or
 - (ii) Any increment of the compliance schedule set forth in paragraph (b)(2) of this section is not met by the date specified; or

- (iii) Any emission limitation set forth in paragraph (4) of Section 4 of Regulation S which has been incorporated by reference into this regulation per paragraph (b)(2)(i)(a) of this section, is exceeded; or
 - (iv) After July 31, 1977 any emission limitation set forth in paragraph (b)(1) of this section is exceeded; or
 - (v) Any ambient air quality standards for SO₂ as defined by paragraph (b)(i)(i) of Section 4 of Regulation S is exceeded after the dates specified in paragraph (3)(i)(i) of Section 4 of Regulation S in the designated liability area; or
 - (vi) Operation of the supplementary control system is not conducted in accordance with the Idaho Department of Health and Welfare approved operational manual; or
 - (vii) The reporting requirements of Paragraph (12) of Section 4 of Regulation S are not met.
- (6) Compliance with emission standards: Reporting excess emissions during periods of start-up, shutdown and malfunction.
- (i) The owner(s) or operator(s) of the smelter subject to this section are subject to the provisions of this subparagraph in regard to excess emission during periods of start-up, shutdown and malfunction.
 - (ii) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Part 51, 52 or 60 of this chapter.
 - (a) The term "excess emissions" means an emission rate which exceeds any applicable emission limitation prescribed by paragraph (b)(1) of this section. The averaging time and test procedures for determining such excess emission shall be as specified as part of the applicable emission limitation.
 - (b) The term "malfunction" means any sudden and unavoidable failure of air pollution control equipment or process to operate in a normal and usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

- (c) The term "start-up" means the setting into operation of any air pollution control equipment or process equipment for any purpose, except routine phasing in of process equipment.
 - (d) The term "shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.
 - (e) The term "violation" means any incident of excess emissions, regardless of the circumstances of the occurrence.
- (iii) (a) In the case of excess emissions from the smelter subject to this section for which the Administrator has issued a Notice of Violation, the owner(s) or operator(s) of the subject smelter may submit the following data in order to assist the Administrator in carrying out his duties under Section 113 of the Clean Air Act.
- (b) Each submission shall include, as a minimum:
- (i) The identity of the stack and/or other emission points where the excess emissions occurred; and
 - (ii) The magnitude of the excess emission expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions; and
 - (iii) The time and duration of the excess emissions; and
 - (iv) The identity of the equipment causing the excess emissions; and
 - (v) The nature and cause of such excess emissions; and
 - (vi) The measured or estimated ambient SO₂ concentrations which occurred or which were expected to occur during the period; and
 - (vii) If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunction; and

- (viii) The steps taken to limit the excess emissions and the resultant impact on ambient air quality; and
 - (ix) Documentation that the air pollution control equipment, process equipment, processes were at all times maintained and operated, to the maximum extent practicable, in a manner consistent with good practice for minimizing emissions.
- (iv) At any time, the owner(s) or operator(s) of the smelter subject to this section has the right to submit data information or reports to the Administrator, including but not limited to the information specified in subparagraph (6)(iii)(b) above, in order to assist the Administrator in carrying out his statutory responsibilities under Section 113 and 303 of the Clean Air Act.
- (v) The submittal of information pursuant to subparagraphs (6)(ii) and (iv) of this paragraph shall be used by the Administrator in determining the seriousness of the violation, whether the source made in good faith effort to comply, the need for further enforcement action and the appropriate sanctions, if any under the provisions of the Clean Air Act.
- (vi) Excess emissions during periods of routine maintenance or during routine phasing in or out of process equipment shall be considered to be the result of a start-up, shutdown or malfunction.
- (vii) All SO₂ gas streams discharged from the zinc plant roasters and the strong SO₂ gas stream discharged from the lead smelter sintering machines described in subparagraph (1)(i) of this paragraph that are not processed through an SO₂ removal facility shall be considered excess emissions.
- (viii) In the event that owner(s) or operator(s) of the smelter subject to this section has been granted permission by the Administrator and the Director of the Idaho Department of Health and Welfare to use a supplementary control system pursuant to the provisions of Regulation S of the "Rules and Regulations for the Control of Air Pollution in Idaho" as partially approved in paragraph (a) of this section, nothing in this section shall be construed to relieve the owner(s) or operator(s) of the smelter subject to this section from his assumed liability for all violations of any applicable ambient air quality standards which occur in the designated liability

area, including those isolations that occur as the result of a malfunction, start-up or shutdown.

- (ix) Failure of the owner(s) or operator(s) of the smelter subject to this section to report periods of excess emissions pursuant to paragraph (b)(3)(v) shall be considered a violation of the provisions of this subpart.
- (x) Nothing in this section shall construed to limit the authority of the Administrator to institute actions under Section 113 and 303 of the Clean Air Act or to exercise his authority under Section 114 of the Clean Air Act.

(6.0) 52.677 Compliance Schedules

(d) Federal compliance schedules.

- (1) Except as provided in subparagraph (5) of this paragraph, the owner of any Kraft pulp mill subject to the following emission limiting regulation in the Idaho Implementation Plan shall comply with the compliance schedule in subparagraph (2) of this paragraph: "Rules and Regulations for the Control of Air Pollution in Idaho," regulation 0, section 3, subsection E (chapter VII of the Idaho implementation plan).
- (2) Compliance schedule for recovery furnaces.
 - (i) January 1, 1974--Achieve compliance with the applicable regulations, and certify such compliance to the Administrator.
 - (ii) If a performance test is determined necessary by the Administrator to certify compliance, such a test must be completed by January 15, 1974. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.
- (3)--(4) (Reserved)
- (5)
 - (i) None of the above subparagraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.
 - (ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.
 - (iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.
- (6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of a compliance schedule for any source fails to satisfy the requirements of 51.15(b) and (c) of this chapter.

(38 FR 22741, Aug. 23, 1973 as amended at 38 FR 24342, Sept. 7, 1973; 40 FR 10465, Mar. 6, 1975; 41 FR 23203, June 9, 1976.)

(17.0) 52.683 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

- (1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.
- (2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.
- (3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.
- (4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
- (5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- (6) "Construction" means fabrication, erection or installation of a stationary source.
- (7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

- (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

- (2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations		
Pollutant	Class I (ug/m ³)	Class II (ug/m ³)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

- (ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.
- (iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.
- (3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.
- (ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:
- (a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and
- (b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

- (c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and
 - (d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.
 - (e) The redesignation is proposed after consultation with the elected leadership of local and other sub-state general purpose governments in the area covered by the proposed redesignation.
- (iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:
- (a) The redesignation is consistent with adjacent State and privately owned land, and
 - (b) Such redesignation is proposed after consultation with the Federal Land Manager.
- (iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:
- (a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,
 - (b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.
- (v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

- (a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,
 - (b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.
- (vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:
- (a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.
 - (b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.
 - (c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

- (d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.
- (e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.
- (f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.
- (vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may re-submit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

- (1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

- (i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.
 - (ii) Coal Cleaning Plants.
 - (iii) Kraft Pulp Mills.
 - (iv) Portland Cement Plants.
 - (v) Primary Zinc Smelters.
 - (vi) Iron and Steel Mills.
 - (vii) Primary Aluminum Ore Reduction Plants.
 - (viii) Primary Copper Smelters.
 - (ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.
 - (x) Sulfuric Acid Plants.
 - (xi) Petroleum Refineries.
 - (xii) Lime Plants.
 - (xiii) Phosphate Rock Processing Plants.
 - (xiv) By-Product Coke Oven Batteries.
 - (xv) Sulfur Recovery Plants.
 - (xvi) Carbon Black Plants (furnace process).
 - (xvii) Primary Lead Smelters.
 - (xviii) Fuel Conversion Plants.
 - (xix) Ferroalloy production facilities commencing construction after October 5, 1975.
- (2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

- (i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.
 - (ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.
 - (iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.
- (3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

- (4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.
 - (ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.
 - (iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.
- (5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

- (1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.
- (ii) Within 30 days after receipt of a complete application, the Administrator shall:

- (a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.
 - (b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and
 - (c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.
- (iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.
- (iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.
- (v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

- (vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.
- (2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.
- (3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.
- (4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.
- (f) Delegation of authority
 - (1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.
 - (2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:
 - (i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.
 - (ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

- (3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.
- (4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be re-delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 1975; 40 FR 42012, Sept. 10, 1975)